

**PLANNING AND REGULATORY COMMITTEE  
NOTICE OF MEETING**

**Date:** Wednesday, 15 October 2014  
**Time** 10.30 am  
**Place:** Ashcombe Suite, County Hall, Kingston upon Thames, Surrey KT1 2DN

**Contact:** Cheryl Hardman or Huma Younis, Room 122, County Hall  
**Telephone:** 020 8541 9075 or 020 8213 2725  
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[For queries on the content of the agenda and requests for copies of related documents]

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**APPOINTED MEMBERS [12]**

Keith Taylor (Chairman)	Shere;
Tim Hall (Vice-Chairman)	Leatherhead and Fetcham East;
Ian Beardsmore	Sunbury Common & Ashford Common;
Natalie Bramhall	Redhill West & Meadvale;
Carol Coleman	Ashford;
Jonathan Essex	Redhill East;
Margaret Hicks	Hersham;
George Johnson	Shalford;
Christian Mahne	Weybridge;
Ernest Mallett MBE	West Molesey;
Michael Sydney	Lingfield;
Richard Wilson	The Byfleets;

**EX OFFICIO MEMBERS (NON-VOTING) [4]**

Mr D Munro	Chairman of the County Council	Farnham South;
Sally Marks	Vice Chairman of the County Council	Caterham Valley;
David Hodge	Leader of the Council	Warlingham;
Mr P J Martin	Deputy Leader	Godalming South, Milford & Witley;

**APPOINTED SUBSTITUTES [19]**

Mike Bennison	Hinchley Wood, Claygate and Oxshott;
Stephen Cooksey	Dorking South and the Holmwoods;
Tim Evans	Lower Sunbury and Halliford;
Will Forster	Woking South;
Denis Fuller	Camberley West;
Nick Harrison	Nork & Tattenhams;
Peter Hickman	The Dittons;
David Ivison	Heatherside and Parkside;
Daniel Jenkins	Staines South and Ashford West;
Stella Lallement	Epsom West;
John Orrick	Caterham Hill;
Adrian Page	Lightwater, West End and Bisley;
Chris Pitt	
Chris Townsend	Ashtead;
Fiona White	Guildford West;
Helena Windsor	Godstone;

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## **AGENDA**

### **1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

To receive any apologies for absence and notices of substitutions under Standing Order 40.

### **2 MINUTES OF THE LAST MEETING: 24 SEPTEMBER 2014**

(Pages 1 - 18)

To confirm the minutes of the meeting held on 24 September 2014.

### **3 PETITIONS**

To receive any petitions from members of the public in accordance with Standing Order 65 (please see note 7 below).

### **4 PUBLIC QUESTION TIME**

To answer any questions received from local government electors within Surrey in accordance with Standing Order 66 (please see note 8 below).

### **5 MEMBERS' QUESTION TIME**

To answer any questions received from Members of the Council in accordance with Standing Order 47.

### **6 DECLARATIONS OF INTERESTS**

To receive any declarations of disclosable pecuniary interests from Members in respect of any item to be considered at the meeting.

#### **Notes:**

- In line with the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, declarations may relate to the interest of the member, or the member's spouse or civil partner, or a person with whom the member is living as husband or wife, or a person with whom the member is living as if they were civil partners and the member is aware they have the interest.
- Members need only disclose interests not currently listed on the Register of Disclosable Pecuniary Interests.
- Members must notify the Monitoring Officer of any interests disclosed at the meeting so they may be added to the Register.
- Members are reminded that they must not participate in any item where they have a disclosable pecuniary interest.

- 7 SURREY COUNTY COUNCIL PROPOSAL EL2012/3285: LAND AT CLAYGATE PRIMARY SCHOOL, FOLEY ROAD, CLAYGATE, SURREY KT10 0NB** (Pages 19 - 44)

The current proposal is for the installation of a multi-use games area (MUGA) located in the northern part of the school site, adjoining an existing hard play area and near the edge of the school's extensive playing field. The MUGA would have a surface of porous tarmac and would be surrounded by a wire mesh fence with two gates for access.

**The recommendation is to PERMIT subject to conditions.**

- 8 SURREY COUNTY COUNCIL PROPOSAL RU.14/0464: LAND AT LYNE AND LONGCROSS C OF E SCHOOL, LYNE LANE, LYNE, CHERTSEY, SURREY, KT16 0AJ.** (Pages 45 - 90)

This is an application for the construction of new 2 storey main school building and single storey extensions to existing hall and nursery buildings following demolition of existing main building and demountable building; extension of school site by approximately 75 m2 into adjoining church yard; construction of new access onto Lyne Lane; and associated external works including new car park, extension of hard play areas and culverting of existing ditch.

**The recommendation is to PERMIT subject to conditions.**

- 9 MINERALS/WASTE SP/14/01125/SCC: LAND AT OAKLEAF FARM, HORTON ROAD, STANWELL MOOR, SURREY, TW19 6AF** (Pages 91 - 136)

This is an application for the construction and use of a recycling, recovery and processing facility for construction and demolition waste on a site of approximately 9.4 hectares comprising: MRF building, site office and workshop; wheel wash and two weighbridges; lorry and car parking areas; storage areas; site entrance and access road; and landscaping bunds without compliance with Condition 3 and Condition 21 of planning permission ref: SP08/0992 dated 19 November 2009 to allow operations to be carried out within the MRF building 24 hours per day, 7 days per week.

**The recommendation is subject to referral to the Secretary of State as a Departure and the prior completion of a deed of variation of a S106 Agreement, to PERMIT subject to conditions.**

**10 MINERALS AND WASTE APPLICATION RE13/00882:  
DECISION ON PLANNING APPEAL REF  
APP/B3600/A/13/2206251 AND DECISION ON COSTS  
APPLICATION**

(Pages 137 -  
140)

**Britaniacrest Recycling, 24-26 Reigate Road, Hookwood,  
Surrey, RH6 0HJ**

The recommendation is to note the report.

**11 DATE OF NEXT MEETING**

The next meeting of the Planning & Regulatory Committee will be  
on 18 November 2014.

**David McNulty**  
**Chief Executive**  
Friday 3 October 2014

## MOBILE TECHNOLOGY AND FILMING – ACCEPTABLE USE

Those attending for the purpose of reporting on the meeting may use social media or mobile devices in silent mode to send electronic messages about the progress of the public parts of the meeting. To support this, County Hall has wifi available for visitors – please ask at reception for details.

Anyone is permitted to film, record or take photographs at council meetings. Please liaise with the council officer listed in the agenda prior to the start of the meeting so that those attending the meeting can be made aware of any filming taking place.

Use of mobile devices, including for the purpose of recording or filming a meeting, is subject to no interruptions, distractions or interference being caused to the PA or Induction Loop systems, or any general disturbance to proceedings. The Chairman may ask for mobile devices to be switched off in these circumstances.

It is requested that if you are not using your mobile device for any of the activities outlined above, it be switched off or placed in silent mode during the meeting to prevent interruptions and interference with PA and Induction Loop systems.

*Thank you for your co-operation*

**Note:** *This meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The images and sound recording may be used for training purposes within the Council.*

*Generally the public seating areas are not filmed. However by entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes.*

*If you have any queries regarding this, please contact the representative of Legal and Democratic Services at the meeting*

## NOTES:

1. The Chairman will adjourn the meeting for lunch from 12.45pm unless satisfied that the Committee's business can be completed by 1.15pm.
2. Members are requested to let the Regulatory Committee Manager have the wording of any motions and amendments not later than one hour before the start of the meeting.
3. Substitutions must be notified to the Regulatory Committee Manager by the absent Member or group representative at least half an hour in advance of the meeting.
4. Planning officers will introduce their report and be able to provide information or advice to Members during the meeting. They can also be contacted before the meeting if you require information or advice on any matter.
5. A record of any items handled under delegated powers since the last meeting of the Committee will be available for inspection at the meeting.
6. Members of the public can speak at the Committee meeting on any planning application that is being reported to the Committee for decision, provided they have made written representations on the application at least 14 days in advance of the meeting, and provided they have registered their wish to do so with the Regulatory Committee Manager in advance of the meeting. The number of public speakers is restricted to five objectors and five supporters in respect of each application.
7. Petitions from members of the public may be presented to the Committee provided that they contain 100 or more signatures and relate to a matter within the Committee's terms of reference. The presentation of petitions on the following matters is not allowed: (a) matters which are "confidential" or "exempt" under the Local Government Access to Information Act 1985; and (b) planning applications. Notice must be given in writing at least 14 days before the meeting. Please contact the Regulatory Committee Manager for further advice.
8. Notice of public questions must be given in writing at least 7 days before the meeting. Members of the public may ask one question relating to a matter within the Committee's terms of reference. Questions on "confidential" or "exempt" matters and planning applications are not allowed. Questions should relate to general policy and not detail. Please contact the Regulatory Committee Manager for further advice.
9. On 10 December 2013, the Council agreed amendments to the Scheme of Delegation so that:
  - All details pursuant (applications relating to a previously granted permission) and non-material amendments (minor issues that do not change the principles of an existing permission) will be delegated to officers (irrespective of the number of objections).
  - Any full application with fewer than 5 objections, which is in accordance with the development plan and national policies will be delegated to officers.
  - Any full application with fewer than 5 objections that is not in accordance with the development plan (i.e. waste development in Green Belt) and national policies will be delegated to officers in liaison with either the Chairman or Vice Chairman of the Planning & Regulatory Committee.
  - Any application can come before committee if requested by the local member or a member of the Planning & Regulatory Committee.

The revised Scheme of Delegation came into effect as of the date of the Council decision.

## **HUMAN RIGHTS ACT 1998 – GUIDANCE FOR INTERPRETATION**

This Guidance should be read in conjunction with the Human Rights section in the following Committee reports.

The Human Rights Act 1998 does not incorporate the European Convention on Human Rights in English law. It does, however, impose an obligation on public authorities not to act incompatibly with those Convention rights specified in Schedule 1 of that Act. As such, those persons directly affected by the adverse effects of decisions of public authorities may be able to claim a breach of their human rights. Decision makers are required to weigh the adverse impact of the development against the benefits to the public at large.

The most commonly relied upon articles of the European Convention are Articles 6, 8 and Article 1 of Protocol 1. These are specified in Schedule 1 of the Act.

Article 6 provides the right to a fair and public hearing. Officers must be satisfied that the application has been subject to proper public consultation and that the public have had an opportunity to make representations in the normal way and that any representations received have been properly covered in the report. Members of the public wishing to make oral representations may do so at Committee, having given the requisite advance notice, and this satisfies the requirements of Article 6.

Article 8 covers the right to respect for a private and family life. This has been interpreted as the right to live one's personal life without unjustified interference. Officers must judge whether the development proposed would constitute such an interference and thus engage Article 8.

Article 1 of Protocol 1 provides that a person is entitled to the peaceful enjoyment of his possessions and that no-one shall be deprived of his possessions except in the public interest. Possessions will include material possessions, such as property, and also planning permissions and possibly other rights. Officers will wish to consider whether the impact of the proposed development will affect the peaceful enjoyment of such possessions.

These are qualified rights, which means that interference with them may be justified if deemed necessary in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Any interference with a Convention right must be proportionate to the intended objective. This means that such an interference should be carefully designed to meet the objective in question and not be arbitrary, unfair or overly severe.

European case law suggests that interference with the human rights described above will only be considered to engage those Articles and thereby cause a breach of human rights where that interference is significant. Officers will therefore consider the impacts of all applications for planning permission and will express a view as to whether an Article of the Convention may be engaged.



**MINUTES** of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 24 September 2014 at Ashcombe Suite, County Hall, Kingston upon Thames, Surrey KT1 2DN.

These minutes are subject to confirmation by the Committee at its meeting.

**Members Present:**

Mr Keith Taylor (Chairman)  
Mr Tim Hall (Vice-Chairman)  
Mr Ian Beardsmore  
Mrs Carol Coleman  
Mr Jonathan Essex  
Mrs Margaret Hicks  
Mr Christian Mahne  
Mr Ernest Mallett MBE  
Mr Michael Sydney  
Mr Richard Wilson

**Apologies:**

Mrs Natalie Bramhall  
Mr George Johnson

**91/14 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]**

Natalie Bramhall and George Johnson sent their apologies.  
Helena Windsor substituted for George Johnson.

**92/14 MINUTES OF THE LAST MEETING [Item 2]**

These were agreed as a true record of the last meeting.

**93/14 PETITIONS [Item 3]**

There were none.

**94/14 PUBLIC QUESTION TIME [Item 4]**

There were none.

**95/14 MEMBERS' QUESTION TIME [Item 5]**

There were none.

**96/14 DECLARATIONS OF INTERESTS [Item 6]**

Ian Beardsmore declared that he had visited a demonstration held at Charlton Lane on Saturday 20 September but had not read the committee papers till the following day, ensuring he had made no pre determination.

**97/14 MINERALS AND WASTE APPLICATION SP13/01553/SCC: CHARLTON LANE WASTE MANAGEMENT FACILITY, CHARLTON LANE, SHEPPERTON, SURREY [Item 7]**

AN UPDATE SHEET WAS TABLED AND IS ATTACHED AS ANNEX 1 TO THE MINUTES

**Declarations of interest:**

None

**Officers:**

Alan Stones, Planning Development Control Team Manager  
 Stephen Jenkins, Deputy Planning Development Manager  
 Nancy El-Shatoury, Principal Lawyer  
 Caroline Smith, Transport Development Planning Team Manager  
 Dr John Pullen, Air Quality Consultant A  
 Barry Squibb, Noise Consultant

- A letter had also been sent to the monitoring officer from Mr Malcolm Robertson. The Principal Lawyer felt that the concerns raised in the letter had been addressed in the update sheet. Any issues that had not been addressed in the update sheet would be addressed by the monitoring officer in a separate letter to Mr Robertson.

**Speakers:**

Malcolm Robertson a local resident, made representations in objection to the application. The following points were made,

- Lives in Shepperton and is a member of the Charlton Lane liaison group.
- Explained that a complaint had been forwarded to the monitoring officer in respect of the application.
- The EA (Environment Agency) has found an issue with the site, there has been a breach of the environmental permit which the contractor has not taken account of.
- There has been no mention of a site warning notice which was put up at the site in July 2014.
- Serious questions have arisen around the contractors- these need to be answered before any application can be discussed.

Peter Francis a local resident, made representations in objection to the application. The following points were made,

- Chartered chemical engineer
- Queried if this was a gasifier- the EA draft determination states that the process undertaken is incineration and not gasification.
- The process proposed by the applicant is not a gasifier but rather an incinerator.

- The process undertaken reaches the lowest levels of the waste hierarchy which contributes to global warming.

Brian Catt a local resident, made representations in objection to the application. The following points were made,

- Chartered chemical engineer and physicist
- SCC recognises the role of Ofgem but still has not received their accreditation.
- The committee should wait for accreditation from Ofgem before considering the application before them.
- There are a number of other sites which are more viable than Charlton Lane and would have little impact on residents
- Spelthorne has the worst air quality in Surrey and yet this application is still being considered.

Peter Crews a local resident, made representations in objection to the application. The following points were made,

- There are numerous unknown uncertainties and risks with regards to public health especially if there is an accident at the site.
- Surrey is ultimately responsible for human health and should be looking into the possible impacts.
- Many do not think it is viable to burn this type of fuel using this process.
- The location of the plant is on the green belt and within proximity of three large schools in one of the most densely populated areas of Surrey.

The applicant, SITA UK (Gareth Philips, Head of Planning and Property – South) addressed the Committee and raised the following points;

- Although the EA has its own definition of incineration, the Committee should take account of the legal European definition- SITA has asked the EA to clarify this.
- SITA has made an application to Ofgem for accreditation of the plant- if we believe that this accreditation cannot be met we would not be in the current application process.
- Although new air quality information has been released by Spelthorne BC this does not affect the Environment Impact Assessment. Referring to paragraph 15 of the report the applicant restated that the 'PC's are well below the 1% threshold'
- Due to the poor air quality already existing in Spelthorne we have taken steps to reduce pollution in the area.
- With regards to safety, Members will be aware that at the Bergamo plant in Italy co-existed with a community recycling centre on site.
- The site is part of the Surrey local waste plan and has been signed by all boroughs.
- The Eco park is still a better solution than landfill and will serve northern areas of Surrey.
- It was explained that the Environment Agency (EA) has recently issued an Environmental Permit Draft Decision Notice, which meant

that the EA were 'minded' to grant the Permit but this did not mean the permit would 'definitely be' granted.

The local Member for the area, **Tim Evans** addressed the committee and raised the following points:

- The current application is ill fated and deeply resented by residents.
- The application is in the green belt and there are no very special circumstances to support this.
- There are many safety concerns around this especially as the air quality in the area is already poor.
- The dangers and risks posed to residents should outweigh the very special circumstances.

**Key Points raised during the discussion:**

1. The Chairman explained that a letter had been distributed to members from Cllr Richard Walsh, a member of an adjoining ward.
2. The report was introduced by the Planning Development Control Team Manager who explained that pages 1-19 of the report referred to new issues that had been raised in the application.
3. The Planning Development Control Team Manager gave a brief history of the site explaining that the current application referred to minor material amendments. At the committee's meeting in March 2014, it was stated that any minor amendments to the application would have to come back to committee. It was explained that a period of over 5 months had elapsed since the committee's resolution in March 2014. The 'Kides test' was therefore relevant as part of ongoing case law. It was noted that Spelthorne Borough Council had drawn attention to new air quality information which it had supplied. The Borough Council regarded this as a new material consideration but the Air Quality Consultant suggested that a decision could not be based on a yearly air quality monitoring results. Both public health and traffic issues had been covered in the report.
4. It was explained that the Secretary of State had not taken into account the Environmental Impact Assessment Regulations 2011 when they decided not to call-in the application. The officer stated that this should not have a bearing on the committee when making their final decision. The Planning Development Control Team Manager stated that there had been concerns around the possible expansion of Heathrow airport and the possible effects on the Eco Park. The committee was reminded that this was only a possibility.
5. The Air Quality Consultant A explained that he worked for RPS and was a chartered scientist and chemist who had been instructed by SCC to provide advice on air quality. With regards to the air quality, he explained that air quality screening criteria had been put in place by the EA, where the process contribution is less than 1% the impacts were considered insignificant.

6. The **Air Quality Consultant B** explained that she had worked in air quality for over ten years. She explained that the variation in air quality over the years is likely to change and no real significance should be taken from results of air quality in one specific year.
7. A Member of the committee queried the very special circumstances that had allowed for this application to be built on the green belt. The Planning Development Control Team Manager stated that paragraph 33 of the report listed all the factors for permitting this application on the green belt. When these factors were considered together they constituted very special circumstances which outweighed harm.
8. It was explained that in a recent judgement on Redhill Aerodrome, the judge stated that the very special circumstances test should only be applied to green belt applications. The Planning Development Control Team Manager explained that this decision would not change anything in the current application as harm had been mitigated under conditions.
9. Recycling rates for both Spelthorne and Surrey were queried. The Cabinet Member for Environment and Planning explained that Spelthorne's target recycling rate stood at 50% and Surrey's target recycling rate stood as 70%. The Cabinet Member for Environment and Planning stated that he would get officers to confirm these figures.
10. It was clarified that conflicts of interest had to be identified before any contract was made with any consultancy group. The Planning Development Control Team Manager was satisfied that there was no conflict of interest with RPS.
11. A member queried what was significant when monitoring air quality levels. The Air Quality Consultant A explained that as air quality levels in each year varied, they could not be considered concrete. Background air quality measurements were checked as part of the assessment with Spelthorne borough council. Results showed a downward trend at the site.

*Cllr Margaret Hicks left the room*

12. A Member queried why the application in question had to come back to committee. It was explained by the Chairman that the application had come back to committee because of the 'kides protocol' and the fact that a decision from the Secretary of State had elapsed for over a period of 5 months. This was an approach the council had taken with advice from counsel.
13. The Planning Development Control Team Manager explained that the Health and Safety Executive had been consulted and had made no objections to the planning process.
14. A Member of the committee stated that as the application site was in close proximity to London, there was a possibility Charlton Lane would have to take additional HGV trips, leading to more traffic in the area.

15. It was commented that the term 'incinerator' had been used in the update sheet which pointed towards the idea that the plans at Charlton Lane were for an incinerator and not a gasifier.

*Cllr Margaret Hicks returned to the room*

16. Members were told that risks to health were considered below the standard set by the government. Any effect from air quality pollution from the site would have very little impact on humans.
17. Cllr Hicks asked for the response given to Cllr Mahne on air quality figures to be repeated as she wanted to ensure she had not missed any key information given by officers whilst she was out of the room. The Air Quality Consultant A reiterated that when looking at all the air quality data from Spelthorne, a conclusion on the trends could not be drawn as there was only one data set available for 2012 and 2013. The previous 2 monitoring points used in 2012 and 2013 were remodelled in the air quality assessment with the process contributions being lower, showing a variation from year to year.
18. There was concern that as the area already had bad air quality levels; the target to have all PC's below the 1% threshold was not viable. It was stated that national air quality levels were set by the government who set levels with advice from expert groups. Although setting air quality levels was ever changing, the air quality target had not recently been changed.
19. It was queried why Ofgem had taken still not accredited the Eco park as a gasifier. There was worry that if the committee permitted the application, this would predetermine Ofgem's definition of the application in question.
20. The Planning Development Control Team Manager stated that there were various definitions of what an incinerator was but the committee had to consider the application in front of them. The Planning Development Control Team Manager went onto further state that all the key factors considered for permitting the application were considered significant by officers.
21. A member of the committee reminded everyone that the application in question had been permitted by cabinet and council, rejecting the current application would lead to problems at an appeal hearing. The proposed application also supports Surrey's waste strategy which has been in place for a number of years and is supported by Spelthorne borough council.
22. The Planning Development Control Team Manager supplied the committee with recycling targets for both Spelthorne and Surrey. For Surrey the targets were as follows; 2007-2008(35%), 2011-2012(51%), 2012-2013 (52%). Spelthorne figures were as follows; 2011-2012 (40.4%), 2012/2013 (42.64%), 2013/2014 (41.19%).
23. Members stated the importance of ensuring that strict monitoring arrangements were in place during the life of the plant. It was

explained that the EA would monitor any work under the permit they issued.

24. The Planning Development Control Team Manager clarified that there had been no technological changes to the application since the March 2014 meeting.

25. As part of the waste management policy, some members felt that more needed to be done to address the benefits of recycling.

**Actions/Further information to be provided:**

None

**RESOLVED:**

That **MINERALS AND WASTE APPLICATION SP13/01553/SCC: CHARLTON LANE WASTE MANAGEMENT FACILITY, CHARLTON LANE, SHEPPERTON, SURREY** is *PERMITTED* subject to conditions and for reasons set out in the report.

**Committee Next Steps:**

None

Committee adjourned at 1.05pm for lunch and reconvened at 1.45pm.

**98/14 MINERALS/WASTE WA/2014/0939: CHIDDINGFOLD STORAGE DEPOT, CHIDDINGFOLD ROAD, DUNSFOLD, GODALMING, SURREY, GU8 4PB [Item 8]**

**Declarations of interest:**

None

**Officers:**

Alan Stones, Planning Development Control Team Manager  
 Stephen Jenkins, Deputy Planning Development Manager  
 Nancy El-Shatoury, Principal Lawyer  
 Caroline Smith, Transport Development Planning Team Manager

**Speakers:**

Alison Daniels, a local resident, made representations in objection to the application. The following points were made,

- Shipping containers on the site are not temporary and have been in use since 2012.
- This is a busy site and hence the application to extending opening hours.
- Fence between site and garden does not reduce any noise.

- The forklift movements from the site are having an impact on residential amenity.

Ian McFarlane, a local resident, made representations in objection to the application. The following points were made,

- Containers on site are left permanently open yet the applicant argues containers are required for security reasons.
- The forklift movements from the site are having an impact on residential amenity.
- Asked if containers can be moved further up the yard so they are further away from homes.
- Applicant has not engaged with residents.

The local Member Victoria Young addressed the committee and raised the following points:

- Residents were told that the containers on site were just a temporary construction but have now been told that the applicant wants to make these permanent.
- Noise from the site is having an impact on residents. The containers are very bright which makes them hard to screen.
- During winter, the screening is limited and the fence is not high enough to screen the depot.

#### **Key Points raised during the discussion:**

1. The report was introduced by the Deputy Planning Development Manager who explained that permission for this site was granted in 2013. The current application asks for the retention of four storage containers on the site. Objections have been received from both Waverley borough council and Dunsfold parish council. The containers are not visible from resident's gardens unless someone looked over the fence. A condition has been included to paint the containers matte black.
2. A member queried what was being done to stop the impact of noise on residents. The Deputy Planning Development Manager explained that a condition had been put in place with the last application with regards to noise. If there was any breach of this the enforcement team would be made aware.
3. No formal applicant/ resident group had been set up.
4. It was stated that these four containers were not situated in the green belt and were deemed as fit for purpose for the site.
5. Some members queried whether the containers could be insulated with rubber to reduce the noise impacts.
6. It was felt that more needed to be done to mitigate noise issues yet it was recognised that the committee did not have many grounds to refuse the application.



7. Members discussed the possibility of deferring the application on the grounds of possible relocation of the containers, an additional noise condition and noise mitigation measures to also be included as part of the application.

**Actions/Further information to be provided:**

None

**RESOLVED:**

That application **MINERALS/WASTE WA/2014/0939: CHIDDINGFOLD STORAGE DEPOT, CHIDDINGFOLD ROAD, DUNSFOLD, GODALMING, SURREY, GU8 4PB** is **DEFERRED**.

- The committee has asked for the applicant to look at the possibility of relocating the four containers, including an additional noise condition and noise mitigation measures as part of the application.

**99/14 SURREY COUNTY COUNCIL PROPOSAL EL/2014/2424 : LAND AT ST ALBANS CATHOLIC PRIMARY SCHOOL, BEAUCHAMP ROAD, EAST MOLESEY, SURREY KT8 2PG [Item 9]**

AN UPDATE SHEET WAS TABLED AND IS ATTACHED AS ANNEX 2 TO THE MINUTES

**Declarations of interest:**

None

**Officers:**

Alan Stones, Planning Development Control Team Manager  
 Stephen Jenkins, Deputy Planning Development Manager  
 Nancy El-Shatoury, Principal Lawyer  
 Caroline Smith, Transport Development Planning Team Manager

**Speakers:**

Anne Dunne, a local resident, made representations in objection to the application. The following points were made,

- Lives and works in the house of prayer in East Molesey- the house of prayer gives people the opportunity to reflect on life. A retreat programme is also provided for the public.
- Objecting on the grounds of noise and flood lighting.
- Asked if it was possible to reconsider the location of this new build to another area of the school site.
- Supports the principle of additional school places but feels this will impact the house of prayer.

Sarah Prime speaking on behalf of Sister Melanie Kingston, a local resident, made representations in objection to the application. The following points were made,

- Do not object to the need for school places but the new site is very close to the south boundary of the house of prayer.
- Issues of noise and lighting may lead to the cancellation of annual programmes held at the house of prayer.
- Asked if the building could be erected on the central school site instead.

**Key Points raised during the discussion:**

1. The report was briefly introduced by the Deputy Planning Development Manager who explained that the existing school is closer to the house of prayer than the new proposed building. The application is for a two story block to replace a double demountable. The new build does not encroach on the existing playing field. There has been no objection from the county noise consultant but a noise condition has been included as part of the application.
2. A member of the committee queried whether Sports England had been consulted on the build. It was explained that as there was 'no practical loss' of the playing field Sports England did not need to be consulted.
3. A member of the committee queried whether enough attention had been given to car parking. The Chairman explained that car parking had not been raised as a concern by members of the public.
4. The design of lighting on the site has been considered acceptable by officers.
5. Members queried whether an additional condition not to carry out any work on weekends could be included as part of the application. Some members asked if it was possible to include a condition to restrict use of the new building to weekdays only. It was commented that putting in restrictions on building use on the weekend was negative and any changes should be discussed between the school and house of prayer.

**Actions/Further information to be provided:**

None

**RESOLVED:**

That pursuant to Regulation 3 of the Town and Country planning general regulations 1992, application no. **SURREY COUNTY COUNCIL PROPOSAL EL/2014/2424 : LAND AT ST ALBANS CATHOLIC PRIMARY SCHOOL, BEAUCHAMP ROAD, EAST MOLESEY, SURREY KT8 2PG** is **PERMITTED** subject to conditions and for reasons set out in the report and for the amendment of Condition 3 to prohibit any construction activities during the weekend.

**Committee Next Steps:**

None

Cllr Mahne left the meeting

**100/14 SURREY COUNTY COUNCIL PROPOSAL MO/2014/0778/SCC: LAND AT ST PETERS CATHOLIC PRIMARY SCHOOL, GRANGE ROAD, LEATHERHEAD, SURREY KT22 7JN [Item 10]**

AN UPDATE SHEET WAS TABLED AND IS ATTACHED AS ANNEX 3 TO THE MINUTES

**Declarations of interest:**

None

**Officers:**

Alan Stones, Planning Development Control Team Manager  
Stephen Jenkins, Deputy Planning Development Manager  
Nancy El-Shatoury, Principal Lawyer  
Caroline Smith, Transport Development Planning Team Manager

**Speakers:**

The local Member Chris Townsend addressed the committee and raised the following points:

- Not against the principal of expansion of schools as there is a necessity for additional school places.
- Concerns are around the mitigation measures put in place by Highways especially on Grange road.
- People are already parking on yellow lines. More needs to be done to improve the highways issues in the area.

**Key Points raised during the discussion:**

1. The report was introduced by the Deputy Planning Development Manager who explained that the new brick construction is in the green belt and to the west of Ashted. Three letters of representation have been received with regards to highway impacts.
2. The Transport Development Planning Team Manager explained that the mitigation measures put in place were limited because of the structure of the land around the school.
3. It was explained that St Andrews School which was in close proximity to St Peters did not have a school travel plan in place.

4. It was explained that the highways team planned to widen the footways so measures could be taken for parking on the verge. Widening the footway would also provide safety for pedestrians.
5. 48% of pupils coming to this school did so by car, there was therefore scope to reduce the impact of cars.
6. The Transport Development Planning Team Manager explained that rather than putting posts on the grass verges the local highways teams would lower the kerbs.
7. The committee recognised that the expansion of schools in the Ashted area would create road safety issues.

**Actions/Further information to be provided:**

For the committee to receive a private session on which consultees are consulted during the planning process.

**RESOLVED:**

That That pursuant to Regulation 3 of the Town and Country planning general regulations 1992, application no. **SURREY COUNTY COUNCIL PROPOSAL MO/2014/0778/SCC: LAND AT ST PETERS CATHOLIC PRIMARY SCHOOL, GRANGE ROAD, LEATHERHEAD, SURREY KT22 7JN** is **PERMITTED** subject to conditions and for reasons set out in the report and the following additional informative.

- That the school is encouraged to establish a joint road safety group in collaboration with other local schools.

**Committee Next Steps:**

None

**101/14 DATE OF NEXT MEETING [Item 11]**

The next meeting will be held on 15 October 2014.

Meeting closed at 3.30pm

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**Chairman**

## UPDATE SHEET TO AGENDA ITEM 7

Planning and Regulatory Committee 24 September 2014

Minerals and Waste Application: SP13/01553/SCC

**Site: Charlton Lane Waste Management Facility, Charlton Lane, Shepperton, Surrey**

**Application: Changes to the planning conditions attached to the Charlton Lane Eco Park planning permission (Ref: SP10/0947, dated 15 March 2012) in order to incorporate minor material amendments to the approved scheme comprising a revised gasification technology, 3 new sub stations, other minor material amendments to the layout, buildings, structures and ancillary elements of the scheme, and a minor reduction in the tonnage of waste that would be managed at the site.**

*Please note the Committee Report should be amended/corrected as follows:*

**Public Right of Way (PROW) Diversion Order and Public Inquiry**

The Inspector's decision was issued on 19 March 2014, agreeing the PROW Diversion Order.

**Paragraph 31, Summary of publicity undertaken and key issues raised by public**

Since the attached Report was published, the County Planning Authority (CPA) has received further representations in response to this application. As at 23 September 2014, the CPA has received some 203 total representations to this application. The following new points have been raised:

- *The Secretary of State admitted that they had not taken into account the Environmental Impact Assessment Regulations 2011 when they decided not to call-in the application;*
- *The Environment Agency (EA) served a Site Warning Notice to the operators of Charlton Lane following complaints from residents; this shows the operators cannot be relied upon to run an incinerator – such retrospective policing by the EA is too dangerous for residents*
- *SITA's Environmental Permit application to the EA requests acceptance of food waste from businesses such as Heathrow, which is not a 'local trader'; and requests the ability to incinerate waste that is classed as Category 1 meaning "meat from a carcass or body parts from an animal that was suspected of being infected by a notifiable disease"*
- *There are plans to build an incinerator in Stanwell in close proximity to the site*

**Officer's note on points raised:**

The National Planning Casework Unit's letter dated 6 August 2014, which is included as Appendix C to the attached Report, states: *"In considering whether to exercise the discretion to call in the application, the Secretary of State has not considered the matter of whether the application is EIA Development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The local planning authority responsible for determining these applications remains the relevant authority responsible for considering whether these Regulations apply to these proposed developments and, if so, for ensuring that the requirements of the Regulations are complied with."* The 17 March 2014 P&RC Report makes clear at paragraphs 74 and 120 that this application is EIA development.

In respect of the EA's Site Warning Notice, Officers were sent a copy of a letter from the EA to residents dated 10 September 2014, which states: *"In total between the 18th and 20th July 2014 we received 18 complaints from local residents about flies and odour in their properties. In their reports, they suggested that the source was the nearby Charlton Lane Eco Park. Environment Agency Officers visited the site the same afternoon Page 13 conducted a detailed inspection of the activities on*

site. They visited the site again on Saturday the 19th, Sunday the 20th and Friday the 25th of July...A report of our visit was issued to SITA Surrey Ltd, formally recording our findings on the 22nd of July with deadlines to ensure that the improvement works would be completed to a high standard before Friday the 25th of July. This was achieved with the company providing emails and photographs of the completed works before the deadline. A Site Warning was issued to the company following these complaints and we have required numerous improvements to the company's operating procedures to ensure this will not happen again. If the company fails to use the procedures in the future then we will not hesitate to increase our enforcement response to secure the improvements or suspend the activities on site."

As set out at paragraph 313 of the 17 March 2014 P&RC Report, the applicant will need to secure a modified permit from the EA in addition to planning permission to operate the Eco Park facility, and preventing harm to health and the environment from emissions is the main purpose of the permitting process. A permit will only be granted if the facility can show it is using the Best Available Techniques to control emissions; and it is to be assumed, in accordance with Planning Policy Statement 10 paragraph 27, that "*the relevant pollution control regime will be properly applied and enforced*", i.e. that the EA will police the facility to ensure effective control continues. National Planning Policy Framework (NPPF) paragraph 122 also states that local planning authorities should focus on whether a development itself is an acceptable use of land rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes, and should assume these regimes will operate effectively. Emissions from thermal waste treatment facilities will be checked, by a multilayered regime of monitoring, to ensure releases are in compliance with the limit values. Officers consider that the EA's recent action to secure improvements at the Charlton Lane site, following their investigation of complaints by residents, demonstrates that the EA's monitoring of the Charlton Lane site is being undertaken effectively with residents being kept readily informed. Officers do not consider that there is any substantial basis for lack of trust or confidence in the permitting regime for the proposed Eco Park.

With reference to the acceptance of commercial waste from Heathrow, the 17 March 2014 P&RC Report makes clear at paragraph 148 that the Anaerobic Digestion facility would provide in County treatment of organic food waste, initially from the Municipal Waste stream only, though that this is likely to be expanded to include some commercial food wastes as further facilities are developed in the southern part of Surrey. The issue of food waste categories arose during the EA's consultation on the Environmental Permit Draft Decision because Heathrow Airport was considered by the applicant as a commercial source of food waste. Such food waste would include 'Category 3' food waste from Airport restaurants (the same category as municipal food waste from kerbside collections) whereas food waste from planes would have an international source and therefore deemed 'Category 1' because its exact origin is not known. Nevertheless, on 17 September 2014 the CPA received confirmation from the EA that the acceptance of 'Category 1' food waste had been removed from the Environmental Permit Draft Decision, following a request by the applicant.

In respect of the Stanwell incinerator plans, one of the options to expand Heathrow Airport (if a runway extension is chosen/agreed rather than alternative solutions) could result in the Colnbrook EfW facility needing to be relocated, with a site in Stanwell identified by Heathrow Airport's consultants. Officers note that no final decision has been made about expansion of Heathrow. Officers consider that the possible relocation of the Colnbrook facility to an alternative site not benefitting from planning permission, following a decision to expand Heathrow Airport yet to be made, would not constitute a material change in circumstances since 17 March 2014. Officers confirm that no further points which they consider to be material have been raised since the publication of the attached Report.

**Case law:** In respect of the 'Redhill Aerodrome' Judgment referred to in paragraphs 29-30 of the attached report, this case will now be considered in the Court of Appeal in early October 2014. Officers consider that should the Court of Appeal reverse the earlier Judgment, i.e. that non Green Belt harm would be '*any other harm*' within NPPF paragraph 88, this would not amount to a circumstance that alters the conclusions of the 17 March 2014 P&RC Report.

Planning &amp; Regulatory Committee 24 September 2014

Item No 9

2

**UPDATE SHEET****SURREY COUNTY COUNCIL PROPOSAL EL2014/2424****DISTRICT(S)** ELMBRIDGE BOROUGH COUNCIL**Land at St Albans Catholic Primary School, Beauchamp Road, East Molesey, Surrey  
KT8 2PG**

**Construction of a two storey, 8 classroom detached teaching block with associated hard standing, following demolition of existing double demountable building; provision of PV panels on south facing area of existing small teaching block; alterations to internal fencing; widened access for emergency vehicles; provision of external canopy to south east of existing main building; increase in cycle/scooter parking.**

**Amending Documents**

Add:

Email from agent dated 04/09/14 and attached drawing 14-1-1044 NPS-A1-00-PL E-021 rev. T1

Revised Environmental Noise Survey received 02/09/14

**Para 37**

Add:

**'External Lighting**

The applicant has provided updated proposals for external lighting of the proposed building, comprising wall mounted hooded downlighters. Some are for routine lighting, proposed to be controlled by timers and photocells, and be timed to switch off at 8pm. Others would be emergency lighting only. One downlighter of each type are proposed on the north elevation of the new building. Officers consider that given the design of the proposed lighting and the nature of the nearby boundary screen, external lighting will not give rise to significant adverse impact on amenity."

**Condition 2**

Add:

14-1-1044 NPS-A1-00-PL E-021 rev. T1 Proposed Lighting Layout, dated 29/08/14

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**UPDATE SHEET**

**SURREY COUNTY COUNCIL PROPOSAL MO/2014/0778/SCC**

**DISTRICT(S) MOLE VALLEY DISTRICT COUNCIL**

**Land at St Peters Catholic Primary School, Grange Road, Leatherhead, Surrey KT22 7JN.**

**Construction of new classroom block comprising six classrooms and WCs.**

**ILLUSTRATIVE MATERIAL**

**Site Photographs**

**Fig 1 – Site of Proposed Extension looking south**

**Fig 2 – Site of Proposed Extension looking south west**

**Fig 3 – site of extension and playing fields looking west from school playground**

**RECOMMENDATION**

Amend wording of part (d) of condition 7 to read:

7.

(d) the widening of the pedestrian access to Linden Pit Path and measures to actively encourage parents to congregate and wait within the school site;

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**TO:** PLANNING & REGULATORY COMMITTEE **DATE:** 15 October 2014  
**BY:** PLANNING DEVELOPMENT CONTROL TEAM MANAGER  
**DISTRICT(S)** ELMBRIDGE BOROUGH COUNCIL **ELECTORAL DIVISION(S):**  
Hinchley Wood, Claygate & Oxshott

**Mr Bennison**

**PURPOSE:** FOR DECISION **GRID REF:** 515441; 163508

**TITLE:** SURREY COUNTY COUNCIL PROPOSAL EL2012/3285

## **SUMMARY REPORT**

**Land at Claygate Primary School, Foley Road, Claygate, Surrey KT10 0NB**

**Construction of tarmac multi-use games area with fencing surrounds.**

Claygate Primary School caters for children aged 4 to 11 years and is located in a residential part of Claygate. The school has one vehicular and pedestrian access via a drive from Foley Road. The site is bordered by residential uses to the north, east and west, and partially to the south.

The current proposal is for the installation of a multi-use games area (MUGA) located in the northern part of the school site, adjoining an existing hard play area and near the edge of the school's extensive playing field. The MUGA would have a surface of porous tarmac and would be surrounded by a wire mesh fence with two gates for access.

Although the application was submitted in 2012, it has taken until now to resolve the issue of surface water drainage in the area where the MUGA is proposed. The solution involves works to the existing drainage infrastructure (some of which have already been carried out) and reaching agreement on the installation and maintenance of a drainage system for the MUGA.

Twenty representations have been received from seventeen residents and a housing group. The representations raise concerns with residential amenity and drainage. The design of the MUGA is considered to be compatible with the site and its surroundings in terms of mass, height and location, and to integrate satisfactorily with the site and the local area. Officers consider that the MUGA would have no negative visual or noise impact on the occupiers of neighbouring properties, subject to the times of use being limited to school hours by condition. Retained trees would be protected by the imposition of other planning conditions. The development would not result in a loss of active playing fields.

Officers are satisfied that improvements to the existing drainage system, further remedial works to this system, the installation and maintenance of the drainage system for the MUGA and the installation of the MUGA itself in accordance with agreed specifications, would not worsen the drainage situation in the vicinity, including on the adjacent residential land to the north. Recommended planning conditions will ensure compliance with the requirements relating to drainage.

The proposal is considered to comply with the Development Plan policies.

**The recommendation is to PERMIT subject to conditions**

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## **APPLICATION DETAILS**

7

### ***Applicant***

Claygate Primary School

### ***Date application valid***

5 September 2012

### ***Period for Determination***

31 October 2012

### ***Amending Documents***

Arboricultural Implication Assessment dated April 2012, received on 28 August 2012 email dated 19 October 2012

Drawing Ref.: PFD14693 – A, Claygate Primary School: Developing the MUGA for Claygate – Option 2 showing Tree Protection Fencing and Root Protection Areas, received on 19 October 2012 email dated 5 April 2014

Plan titled Claygate Primary School: Muga & Drainage – Revision B, received on 5 April 2014 email dated 14 July 2014 with attached letter of the same date from the contractor email dated 16 September 2014

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## **SUMMARY OF PLANNING ISSUES**

This section identifies and summarises the main planning issues in the report. The full text should be considered before the meeting.

	<b>Is this aspect of the proposal in accordance with the development plan?</b>	<b>Paragraphs in the report where this has been discussed</b>
Design and Visual Amenity	Yes	22 - 24
Impact on Residential Amenity	Yes	25 - 37
Drainage Issues	Yes	38 - 45
Loss of Playing Fields	Yes	46 - 48
Transportation Considerations	Yes	49 - 51
Impact on Trees	Yes	52 & 53

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## ILLUSTRATIVE MATERIAL

### Site Plan

Plan

### Aerial Photographs

Aerial

### Site Photographs

Figure 1: Looking north from playing fields to location of proposed MUGA and adjoining housing, with The Firs development in the centre

Figure 2: View to the northwest from the location of proposed MUGA

Figure 3: Looking north from location of proposed MUGA

Figure 4: View to the east from hard play area towards the part of the trim trail to be relocated

Figure 5: Looking west from location of proposed MUGA

Figure 6: Looking south from the location of the proposed MUGA

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## BACKGROUND

### *Site Description*

1. Claygate Primary School caters for children aged 4 to 11 years and is situated in the mainly residential area of Claygate. Access to the school site is via a drive leading from Foley Road, providing the only vehicle and main pedestrian access.
2. The school site is roughly rectangular in shape and is oriented roughly north/south, with the main school buildings being located centrally towards the west site boundary. To the north of the school buildings are the hard play area and the demountable classroom unit permitted under Ref. EL/09/0561. There is a large playing field to the east and northeast of the main buildings. There are tree belts along the east and west site boundaries and beyond the wooded wildlife area (incorporating a pond) that occupies the southern part of the site. An allotment and a chicken run are situated between the playing fields and the wildlife area. Residential uses border the site on three sides whilst the Claygate Recreation Ground lies to the southeast.

### *Planning History*

3. EL11/0821 Erection of two new timber clad storage sheds (permitted in May 2011)
- EL09/0561 Installation of demountable classroom unit comprising two classrooms, toilets and store for a temporary period of five years; retention of existing demountable classroom and addition of an open sided canopy; extension to hard play area (permitted in June 2009)
- EL08/2352 Construction of new footpath within school site, new pedestrian gate on school/recreation ground boundary and link path to existing path within recreation ground (permitted in December 2008)

EL05/1972	Retention of existing demountable classroom until 31 August 2006 without complying with Condition 1 of planning permission reference EL03/1397 dated 6 August 2003 (permitted in October 2005)
EL05/0827	Details or proposed landscaping for school extension submitted pursuant to Condition 6 of planning permission ref EL04/0496 (Approved in June 2005)
EL04/1419	Details of investigation of potential land contamination issues submitted pursuant to Condition 9 of planning permission ref EL04/0496 (Approved in October 2004)
EL04/0496	Construction of a single storey extension to provide three new classrooms, group room, studio and ancillary cloakrooms, toilets and circulation space (permitted in May 2004)
EL03/1397	Installation of a single demountable classroom for a temporary period of two years (permitted in August 2003)

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## THE PROPOSAL

4. This proposal is for a multi use games area (MUGA) located on a grassed area north of the buildings and near to the site boundary. The MUGA would be an extension of an existing hard play area and would have a footprint of about 26m by 16m. The MUGA is proposed to have a 65mm deep top surface of porous tarmac laid on a base of porous stone 150mm deep. The development includes approximately 2m high green mesh fencing along the sides of the MUGA, approximately 3m high fencing along the ends including behind two goal areas and 2m high red mesh gates near the southwest corner nearest to the school buildings.
5. The MUGA is intended to be used as an extension to the school playground, by providing more flexible play space and a facility that could be used in wet weather. The MUGA would be used only during the normal school hours of 08:45 to 17:45. The facility is not intended to be used outside of school hours and would not have floodlights. The applicant considers that the MUGA would significantly increase the quality of physical activities available for the pupils without detracting from the overall use of the school site. Some minor adjustment may be needed to the marked playing pitches on the extensive playing field but there would be no reduction in the number and size of the pitches or the size of the running track. The proposal also involves the relocation of the portion of an existing trim trail to a little used grassed area in the northwest corner of the site.
6. The application was submitted in 2012. It became apparent from representations made by local residents that there was a significant issue with surface water drainage in the area where the MUGA is proposed to be located. Since this drainage problem has had a detrimental impact on adjoining residential property, Officers required the applicant to take measures to ensure that the drainage situation was not exacerbated by the proposed development. This situation has been improved markedly by repairs and improvements having been made to the existing drainage infrastructure in the area. Also substantial amplifying information has been submitted by the applicant addressing the drainage issue. This information includes details of further remedial work on the existing drainage infrastructure in the area and details of the installation and maintenance of the drainage system proposed for the MUGA.

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## CONSULTATIONS AND PUBLICITY

### *District Council*

7. Elmbridge Borough Council: No objection

### **Consultees (Statutory and Non-Statutory)**

8. County Highway Authority –  
Transportation Development Planning: No objection subject to a condition regulating the timing of construction related deliveries
9. County Noise Consultant: No objection provided the MUGA is not used regularly outside school hours
10. County Arboricultural Officer: No objection subject to conditions
11. County Flood and Water Services Manager: No objection subject to conditions

### **Parish/Town Council and Amenity Groups**

12. Claygate Parish Council: No response received

### **Summary of publicity undertaken and key issues raised by public**

13. The application was publicised by the posting of 2 site notices. A total of 106 owner/ occupiers of neighbouring properties were directly notified by letter. Six representations were received in 2012, four from residents living at The Firs sheltered housing development, which abuts the school site on the north. Of these residents, three have concerns with impact on their amenity in terms of loss of privacy, visual effect and nuisance from increased noise. All three of these residents suggested that the MUGA be relocated further south on the school site, two considering a location near to the swimming pool. Two of these residents and Paragon Community Housing Group Ltd. (the company that owns the sheltered housing development) have raised the issue of drainage and flooding.
14. The representation from the other resident of The Firs supported the application.
15. An additional representation was received, from a resident of Fawcus Close, whose property adjoins the northeast corner of the school site. This representation raised the issues of the accumulation of rubbish along the boundary fence, untrimmed hedges and noise from use of the swimming pool during school holidays. These matters are unrelated to the current proposal and are not addressed in this report, but the representation has been copied to the school to make them aware of the concerns.
16. A further notification of neighbours was carried out following receipt of amplifying information relating to drainage including the repairs and improvements that have been made to the existing drainage system in the area, with the final item being a letter dated 14 July 2014 from the contractor. This further notification has resulted in the receipt of fourteen additional representations. Thirteen of these were from residents of The Firs development, two of these residents having responded previously. The other representation was from another resident of Fawcus Close. All of the additional representations raised amenity issues and five suggested relocation of the MUGA. One resident also mentioned drainage and flooding, and the possibility of floodlighting. Another noted that there is a MUGA in the nearby recreation ground.

## PLANNING CONSIDERATIONS

- 7
17. The County Council as County Planning Authority has a duty under Section 38 (6) of the Planning and Compulsory Purchase Act 2004 to determine this application in accordance with the Development Plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act 1990 (as amended) (1990 Act) requires local planning authorities when determining planning applications to “have regard to (a) the provisions of the development plan, so far as material to the application, (b) any local finance considerations, so far as material to the application, and (c) any other material considerations”. At present in relation to this application the Development Plan consists of the Elmbridge Core Strategy 2011 and the saved policies within the Replacement Elmbridge Borough Local Plan 2000.
  18. The National Planning Policy Framework (NPPF) was adopted in March 2012. This document provides guidance to local planning authorities in producing local plans and in making decisions on planning applications. The NPPF is intended to make the planning system less complex and more accessible by summarising national guidance which replaces numerous planning policy statements and guidance notes, circulars and various letters to Chief Planning Officers. The document is based on the principle of the planning system making an important contribution to sustainable development, which is seen as achieving positive growth that strikes a balance between economic, social and environmental factors. The Development Plan remains the cornerstone of the planning system. Planning applications which comply with an up to date Development Plan should be approved. Refusal should only be on the basis of conflict with the Development Plan and other material considerations.
  19. The NPPF states that policies in Local Plans should not be considered out of date simply because they were adopted prior to publication of the framework. However, the guidance contained in the NPPF is a material consideration which planning authorities should take into account. Due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies are to the policies in the Framework, the greater the weight they may be given).
  20. The NPPF highlights that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It continues by stating that Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. It states that Local Planning Authorities should, inter alia, give great weight to the need to create, expand or alter schools.
  21. The school site is in the urban area of Claygate. The application is to be assessed in terms of design and visual amenity, impact on residential amenity, drainage issues, loss of playing fields, transportation considerations and impact on trees.

### **Design and Visual Amenity**

#### **Elmbridge Core Strategy 2011**

Policy CS17 – Local Character, Density and Design

#### **Replacement Elmbridge Borough Local Plan 2000**

Policy ENV2 – Standard of Design

22. Core Strategy Policy CS17 requires new development to deliver high quality and inclusive sustainable design which responds to positive features and integrates sensitively with the locally distinctive townscape. Local Plan Policy ENV2 seeks to protect and enhance the character and the



environment of the surrounding area. Development should be sensitive to the scale, height, massing, character, design and materials of existing development.

23. Officers consider in design terms that the scale and materials of the proposed MUGA, and the height and materials of the fence, take due consideration of the scale and bulk of the existing school buildings, and the scope and situation of existing outdoor play areas. In addition the MUGA would be accessible by being an extension of an existing hard play area. Officers consider that the proposed development exhibits high quality and inclusive design and respects the character and appearance of the site and the area.
24. Officers therefore consider that the proposal complies with the Development Plan policies dealing with design and visual amenity.

### **Impact on Residential Amenity**

#### **Elmbridge Core Strategy 2011**

Policy CS17 – Local Character, Density and Design

#### **Replacement Elmbridge Borough Local Plan 2000**

Policy COM4 – Provision of Educational Facilities

### **Privacy and Visual Effect**

25. Core Strategy Policy CS17 requires new development to deliver inclusive sustainable design that protects the amenities of local residents. Local Plan Local Plan Policy COM4 permits extensions to existing schools provided that there is no significant adverse impact on local residential amenity.
26. The Firs sheltered housing development (three storeys high) adjoins the school site to the north. Immediately to the west of the Firs is a six unit two storey block of flats. The two closest residences to the school site, located in this block, are about 12m from the location of the proposed MUGA. The nearest flat in The Firs development is approximately 15m away. There is a post and wire fence and an intermittent low hedge on the property boundary shared with these flats. There are other houses to the east of the school site, located more than 50m from the MUGA. Mature trees on and near the shared property boundary provide screening between these dwellings and the development.
27. Part of the area where the MUGA is proposed is occupied by a trim trail which includes climbing apparatus and other equipment elevated above the ground. This part of the trim trail is proposed to be relocated further away from the shared property boundary, in the northwest corner of the school site adjacent to the demountable unit (Ref: EL09/0561).
28. Three residents of the sheltered housing development initially raised the issues of loss of privacy and adverse visual impact. One resident suggested installing a high fence to protect her privacy and reduce nuisance. Another resident suggested having green rather than black tarmac surfacing material. Yet another resident suggested that green mesh be used for the fencing surrounding the MUGA (the mesh being proposed is green and the double gates – these facing the school buildings – would be red).
29. On the issue of privacy, Officers consider that the installation of the MUGA would improve matters, since the pupils using the facility would be at ground level rather than at an elevated vantage point currently provided by some of the apparatus of the trim trail. The visual impact of the development would be limited by no buildings being proposed and by the wire mesh fencing allowing views across the open playing field. Officers consider that a high fence is not justified since the MUGA would continue the present use of the development area. Although the intensity of the use would be likely to increase, this use would occur only during school hours. The use of green tarmac surfacing is also not justified since the surface of the MUGA would effectively extend the black tarmac hard

play area and the extent of new tarmac would not significantly diminish the natural appearance of the school site provided by the extensive playing field and the trees which are to be retained. Overall Officers consider that the minor visual impact of the MUGA would be acceptable.

- 7
30. Several of the residents of The Firs development have suggested that the MUGA be located further south, in order to reduce any nuisance effects by increasing the distance between the MUGA and their residences. Officers consider that any benefit from doing so would be negligible. Also, relocating the MUGA as suggested would reduce the area of playing field used for active sports, in contravention of the policies of Sport England and the policies of the Development Plan relating to the loss of playing fields. Two of these residents, one in a further representation, suggested that the chicken run and an allotment situated in the southern part of the site could be relocated, one suggesting the site proposed for the MUGA and the other a site south of the playing fields. Officers consider that there would be insufficient space in the southern area and that it would be unreasonable to expect the school to agree to this relocation because of the disruption that this would cause.
  31. Another resident of The Firs has suggested that the school could make use of an existing MUGA located in a nearby recreation ground. Officers consider that this would be impractical since there is no direct pedestrian access connecting the school site and the recreation ground. Also it is considered prudent to have as many primary school facilities as possible located on the school sites.
  32. Four representations mention the possibility of the installation of floodlighting at a future date. The current application does not include the erection of floodlights. These could only be installed following a further planning permission, that application considering any issues relating to floodlights. Therefore the MUGA would not be used in the late afternoon or evenings in autumn and winter, or on weekends or on bank or public holidays. Officers recommend the imposition of a planning condition restricting the hours of use to those of the existing school playing field (i.e. during the school hours of 08:45 to 17:45 on weekdays during term time).

## Noise

33. A number of representations raise the issue of noise emanating from the use of the MUGA. Residents are also concerned about the use of the MUGA beyond school hours (including in evenings and at weekends) although this is not part of the current planning application. One resident of the Firs considers that locating the MUGA close to the property boundary would contravene the rights of leaseholders to the quiet enjoyment of their flats. The County Noise Consultant (CNC) has commented that the school and the surrounding dwellings are well established, and noise normally associated with the use of the school is to be expected. He has observed that the proposed development would not significantly change the level of noise. There could be a slight change because of balls bouncing off the fencing, but he does not see this as a significant issue bearing in mind the ages of the pupils and the proposed hours of use, and the fact that the MUGA would directly adjoin an existing hard play area.
34. Officers endorse the views of the CNC, considering that the use of the MUGA would not materially increase the noise levels when compared with the current situation, with noise emanating from the use of the existing hard play area and trim trail.
35. The CNC would be concerned if the MUGA was used regularly outside of school hours, as the facility is quite close to residential properties in what is a reasonably quiet area outside of school hours, with just a little background noise from traffic on the distant A3 trunk road. The imposition of a condition limiting the hours of use and restricting the use only by the school is recommended to enable planning control to be maintained over any future changes in the use of the MUGA.

## Conclusions on Residential Amenity

36. In response to the suggestion that the MUGA be relocated towards the southern end of the school site, the applicant has stated that considerable thought has been given to the location of the MUGA and it was concluded that no other location is possible. The southern end of the site would not be feasible because it is not sufficiently accessible and this is where the chicken run and allotment are located. A suggested site in the centre of the school site also would not work, because situating the MUGA here would render the playing field unusable for sport and other activities such as the Summer Fete.
37. Officers consider that the proposal would have no material adverse impact on local residential amenity. The relocation of the MUGA further south is therefore considered to be unjustified, especially since this relocation would have an adverse impact on either the playing fields or the wooded wildlife area and the pond located in the southeast part of the school site. The proposal is considered to accord with the Development Plan policies relating to impact on residential amenity.

## Drainage Issues

### National Planning Policy Framework March 2012 (NPPF)

38. There are no Development Plan policies dealing with drainage. Paragraph 99 of the NPPF, under the heading of 'Meeting the challenge of climate change, flooding and coastal change', states that new development should be planned by local authorities to avoid increased vulnerability to the range of impacts arising from climate change. In areas that are vulnerable, care should be taken to ensure that any risks arising from development can be managed through suitable adaptation measures.
39. Three representations on the scheme as originally submitted raised the issue of drainage. The Paragon Community Housing Group Ltd, the owners of The Firs sheltered housing units, expressed concern with the possibility of increased water run-off from the school playing field onto their property. This representation noted that several of the flats experienced water ingress during a flood some years ago, owing to the lie of the land. Paragon requested that particular attention be paid to drainage in the area between the MUGA and their property. One resident of The Firs development mentioned the drainage problem on the school's playing field and the resulting surface water flooding, and suggested that the drainage of the northern part of the playing field be improved. Another resident also referred to the matters of drainage and flooding. He suggested that the drainage issue could be dealt with by excavation and the laying of hard core and drainage pipes. The representations relating to drainage were passed to the applicant to make the school aware of the degree and extent of concern.
40. In assessing the planning application Officers were concerned that without remedial work the existing surface water drainage system on the site, there would be a strong possibility that drainage from the MUGA would exacerbate the long standing issue of surface water flooding on the northern part of the school site and potentially on the adjoining land occupied by The Firs development. Officers made it clear to the applicant the importance of this not being allowed to happen. In response to concerns with drainage, the drains in this area were cleared and pipework was repaired, a catch pit was installed near the northwest corner of the school site and a trial pit was excavated to undertake an infiltration test.

41. Further measures are proposed including surface water draining into the existing on-site drainage system via an ACO drain, a specialty product for draining the surface of outdoor sports installations. The drain would be installed along one edge of the MUGA, and would incorporate a pot gully and a sump. The drain would be connected to the existing surface water chamber by a new pipe. The applicant proposes that these works be carried out when the MUGA is installed. A preventative maintenance regime is also proposed, comprising a monthly inspection of the ACO drain and the emptying of the sump.
42. Accordingly, the applicant has amended the application by revising the specification for the MUGA. The County Flood and Water Services Manager finds this amended specification acceptable in principle but he recommends that it be revised slightly to ensure that the surface of the MUGA is suitably porous in compliance with advice from the Lawn Tennis Association. Starting at the bottom and working upwards, the specification recommended by the Flood and Water Services Manager comprises the following elements:
- 1) a geotextile membrane,
  - 2) a minimum of 150mm of compacted and free draining aggregate (28mm diameter, non-frost susceptible and free draining),
  - 3) a 40mm compacted binder course (10mm, 14mm or 20mm open grade tarmacadam),
  - 4) a 25mm open grade porous macadam surface course (6mm diameter aggregate) and
  - 5) an acrylic or polyurethane colour coating.
43. The County Flood and Water Services Manager also recommends the imposition of planning conditions to ensure that the drainage system is installed in accordance with the recommendations of the contractor and that the maintenance regime is followed.
44. Officers are satisfied that the drainage situation would not be exacerbated if the MUGA is installed in accordance with the above noted specification, the necessary remedial work is carried out on the existing drainage system, the drainage system for the MUGA itself is installed and maintained in accordance with the contractor's recommendations.
45. Subject to the imposition of conditions detailing these requirements, Officers are satisfied that the development complies with the NPPF.

## **Loss of Playing Fields**

### **Elmbridge Core Strategy 2011**

#### **Policy CS14 – Green Infrastructure**

46. Core Strategy Policy CS14 seeks to protect a diverse network of accessible multi-functional infrastructure. The policy requires new development involving open space to be assessed against PPG17 'Planning for Open Space, Sport and Recreation'. This PPG has been superseded by paragraph 74 of the NPPF, which states that existing open space, sports and recreational land should not be built on unless one of three criteria is met. One of these is replacing the loss from development by equivalent or better provision in terms of quality or quantity in a suitable location.
47. The Sport England Policy Statement 'A Sporting Future for the Playing Fields of England' contains a presumption against development on playing fields, including those in educational use, unless one of five exemptions are met. Exemption E5 permits outdoor sports facilities, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.

- 48. The school has a large playing field. During the winter months it is marked out mainly for football, the pitches being predominantly at the southern end of the field, at the opposite end from the location proposed for the MUGA. The applicant has advised that some minor adjustments may be needed to the layout of the pitches as a result of this development, but he has demonstrated that the playing field is of sufficient size that the number and size of the pitches would not be impacted. Based on this information Officers are satisfied that although the proposal would reduce the overall extent of the playing field slightly, the provision of a play area with a consistent surface suitable for intensive play and the location of the MUGA at the northern end of the playing field, away from the portion used for the playing pitches, there would be no detrimental impact on the use of the school's playing field for sport and recreation. In fact the development would enhance the provision of outdoor sports and recreation available for pupils. Therefore the proposal is considered to qualify as development permitted under Exemption E5. The development is considered to comply with the above Development Plan policy.

### **Transportation Considerations**

#### **Replacement Elmbridge Borough Local Plan 2000**

##### Policy MOV4 – Traffic Impact of Development Proposals

- 49. Local Plan Policy MOV4 states that all development proposals should minimise the impact of vehicle and traffic nuisance, particularly in residential areas.
- 50. Transportation Development Planning (TDP) have commented that the only impact in a highway context would be during the construction phase. A planning condition is recommended to ensure that there is no conflict between construction vehicles and pupils arriving and departing from school.
- 51. Officers endorse the conclusion of TDP and consider that the proposal is acceptable in transportation terms subject to the imposition of a condition restricting the timing of access by Heavy Goods Vehicles during the construction period. Officers consider that the development accords with the Development Plan policy relating to transport.

### **Impact on Trees**

#### **Replacement Elmbridge Borough Local Plan 2000**

##### Policy ENV12 – Retention of Trees on Development Sites

- 52. Local Plan Policy ENV12 seeks to retain significant trees on sites proposed for development and states that planning conditions may be imposed in order to retain the maximum number of trees and to ensure their protection during construction.
- 53. The County Arboricultural Manager endorses the view of the arboricultural consultant, contained in an Arboricultural Implication Assessment dated April 2012, that a mature lime tree impacted by the proposed MUGA could tolerate the loss of roots in the outer part of its Root Protection Area (RPA), if ground work in this area is done in a controlled manner under the supervision of an arboricultural consultant. He subsequently recommended the installation of tree protection fencing as shown on a drawing. The County Arboricultural Manager recommends planning conditions. Officers consider that with the imposition of conditions, retained trees will be protected during construction. Therefore the proposal is considered to accord with the Development Plan policy relating to trees.

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### **HUMAN RIGHTS IMPLICATIONS**

- 54. The Human Rights Act Guidance for Interpretation, contained in the Preamble to the Agenda, is expressly incorporated into this report and must be read in conjunction with the following paragraph.

55. Officers consider that while potential impacts on amenity caused by visual effects and noise emanating from the MUGA during its use are acknowledged, the scale of such impacts is not considered to engage Article 8 or Article 1 of the Protocol 1. The noise impact can be mitigated by a condition. As such, this proposal is not considered to interfere with any Convention right.
- 

## CONCLUSION

56. Officers consider that the proposed multi use games area will have no detrimental impact on visual and residential amenity provided that the use is restricted to school hours. Officers also consider the design of the development to be acceptable. The proposal is considered to have no adverse impact on the school playing fields. All relevant planning policy tests are considered to have been met. The proposal is recommended for permission subject to conditions including ones relating to the construction of the MUGA, remedial work on the existing surface water drainage system, the installation and maintenance of the additional surface water drainage measures relating to the MUGA, the timing of construction related deliveries, the protection of retained trees and restrictions on the usage of the MUGA.

## RECOMMENDATION

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, Application No. EL2012/3285 be permitted subject to the following conditions:

Conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in all respects strictly in accordance with the following plans/drawings:
  - Appendix 1: Site Location Plan, dated 16 April 2012
  - Appendix 2: Drawing Ref.: PFD14693 - A, Claygate Primary School: Developing the MUGA for Claygate - Option 2, dated 6 March 2012
  - Drawing Ref.: PFD14693 - A, Claygate Primary School: Developing the MUGA for Claygate - Option 2, showing Tree Protection Fencing and Root Protection Areas, received on 19 October 2012
  - Plan titled Claygate Primary School - Muga & Drainage - Revision B, received on 5 April 2014.
3. The development hereby permitted shall be installed in accordance with the following specification (from the bottom proceeding upwards):
  - 1) a geotextile membrane,
  - 2) a minimum of 150mm of compacted and free draining aggregate (28mm diameter, non-frost susceptible and free draining),
  - 3) a 40mm compacted binder course (10mm, 14mm or 20mm open grade tarmacadam),
  - 4) a 25mm open grade porous macadam surface course (6mm diameter aggregate) and
  - 5) an acrylic or polyurethane colour coating.
4. (a) Prior to the installation of the Multi-use Games Area hereby permitted in accordance with the specification contained in Condition 3, the applicant shall carry out remedial works on the existing drainage system in the northern part of the site, as set out by the applicant in an email dated 5 April 2014.

(b) The drainage system for the Multi-use Games Area (MUGA) hereby permitted, comprising an ACO drain (incorporating a pot gully and a sump) along the edge of the MUGA and a connecting pipe between this drain and the existing surface water chamber, shall be installed and maintained in accordance with details set out in the email dated 14 July 2014 and the attached letter dated 14 July 2014 from the contractor, and as shown on the plan titled Claygate Primary School: Muga & Drainage - Revision B, received on 5 April 2014.

5. The Multi Use Games Area shall be used by the school alone and only between the hours of 8.45 and 17.45 on Mondays to Fridays during term time. There shall be no use beyond the stipulated hours or on Saturdays, Sundays and public and bank holidays.
6. Before any equipment, machinery or materials are brought onto the site for the purposes of carrying out the development hereby permitted, protective fencing in accordance with the plan titled 'Claygate Primary School: Developing the MUGA for Claygate - Option 2, showing the location of Tree Protective Fencing and Root Protection Areas', received on 19 October 2012, shall be installed and thereafter maintained until all equipment, machinery and surplus materials have been removed from the site. For the duration of works on the site no materials, plant or equipment shall be placed or stored within the protected area.
7. Prior to commencement of construction a pre-start meeting shall be held between the Site Manager and the commissioned arboricultural consultant to agree all aspects of the tree protection measures, the sequencing of the construction process and the required level of supervision by the arboricultural consultant.
8. In carrying out the development hereby permitted, excavation within the Root Protection Area of tree T1, as shown on the plan titled Claygate Primary School: Developing the MUGA for Claygate - Option 2, showing the location of Tree Protective Fencing and Root Protection Areas, as attached to an email dated 19 October 2012, shall be carried out using only hand tools, under the supervision of the arboricultural consultant.
9. In carrying out the development hereby permitted, no HGV movements to or from the site shall take place between the hours of 8.30 and 9.15 am and 2.45 and 3.30 pm, nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Foley Road during these times

Reasons:

1. To comply with Section 91 (1) (a) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. In the interests of proper planning.
4. To ensure the proper drainage of the site and in the interests of the amenities of the site and the locality, in accordance with the National Planning Policy Framework and with Policy CS17 of the Elmbridge Core Strategy 2011 and Policy COM4 of the Replacement Elmbridge Borough Council Local Plan 2000.
5. To ensure the amenity of the occupants of neighbouring properties is protected in accordance with Policy CS17 of the Elmbridge Core Strategy 2011 and Policy COM4 of the Replacement Elmbridge Borough Local Plan 2000.
6. To ensure the protection of trees on the site, in the interests of the visual amenities of the site and the locality, in accordance with Policy ENV12 of the Replacement Elmbridge Borough Local Plan 2000.
7. To ensure the protection of trees on the site, in the interests of the visual amenities of the site and the locality, in accordance with Policy ENV12 of the Replacement Elmbridge Borough Local Plan 2000.
8. To ensure the protection of trees on the site, in the interests of the visual amenities of the site and the locality, in accordance with Policy ENV12 of the Replacement Elmbridge Borough Local Plan 2000.

9. To prevent conflicts between construction vehicles and pupils, parents and staff in accordance with Policy MOV4 of the Replacement Elmbridge Borough Local Plan 2000.

Informatives:

1. This approval relates only to the provisions of the Town and Country Planning Act 1990 and must not be taken to imply or be construed as an approval under the Building Regulations 2000 or for the purposes of any other statutory provision whatsoever.
2. The attention of the applicant is drawn to the requirements of Sections 7 and 8 of the Chronically Sick and Disabled Persons Act 1970 and to Building Bulletin 102 'Designing for disabled children and children with Special Educational Needs' published in 2008 on behalf of the Secretary of State for Children, Schools and Families, or any prescribed document replacing that note.
3. The County Planning Authority confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraphs 186-187 of the National Planning Policy Framework 2012.

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## **HUMAN RIGHTS ACT 1998 GUIDANCE FOR INTERPRETATION**

The Human Rights Act 1998 does not incorporate the European Convention on Human Rights into English law. It does, however, impose an obligation on public authorities not to act incompatibly with those Convention rights specified in Schedule 1 of that Act. As such, those persons directly affected by the adverse effects of decisions of public authorities may be able to claim a breach of their human rights. Decision makers are required to weigh the adverse impact of the development against the benefits to the public at large.

The most commonly relied upon articles of the European Convention are Articles 6, 8 and Article 1 of Protocol 1. These are specified in Schedule 1 of the Act.

Article 6 provides the right to a fair and public hearing. Officers must be satisfied that the application has been subject to proper public consultation and that the public have had an opportunity to make representations in the normal way and that any representations received have been properly covered in the report.

Article 8 covers the right to respect for a private and family life. This has been interpreted as the right to live one's personal life without unjustified interference. Officers must judge whether the development proposed would constitute such an interference and thus engage Article 8.

Article 1 of Protocol 1 provides that a person is entitled to the peaceful enjoyment of his possessions and that no-one shall be deprived of his possessions except in the public interest. Possessions will include material possessions, such as property, and also planning permissions and possibly other rights. Officers will wish to consider whether the impact of the proposed development will affect the peaceful enjoyment of such possessions.

These are qualified rights, which means that interference with them may be justified if deemed necessary in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Any interference with a Convention right must be proportionate to the intended objective. This means that such an interference should be carefully designed to meet the objective in question and not be arbitrary, unfair or overly severe.



European case law suggests that interference with the human rights described above will only be considered to engage those Articles and thereby cause a breach of human rights where that interference is significant. Officers will therefore consider the impacts of all applications for planning permission and will express a view as to whether an Article of the Convention may be engaged.

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#### **CONTACT**

Nathan Morley

#### **TEL. NO.**

020 8541 9420

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#### **BACKGROUND PAPERS**

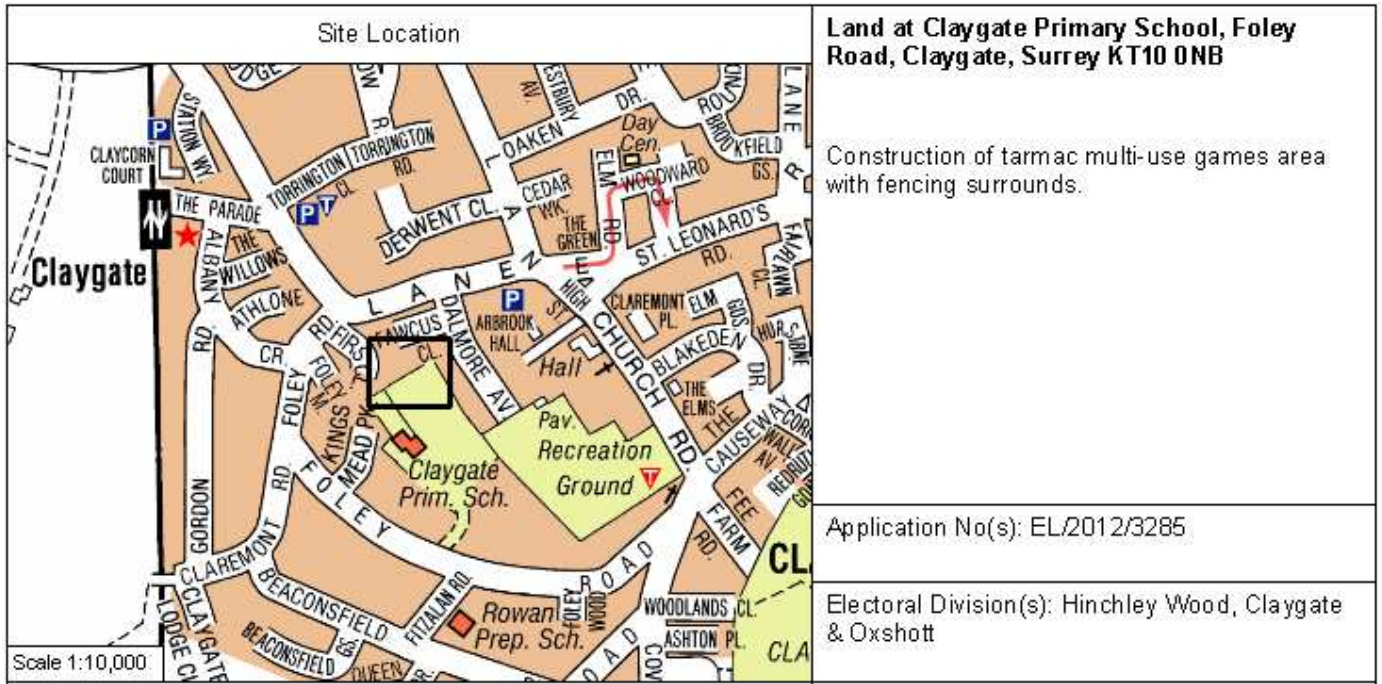
The deposited application documents and plans, including those amending or clarifying the proposal, responses to consultations and representations received as referred to in the report and included in the application file and the following:

Government Guidance: The National Planning Policy Framework March 2012 (NPPF)

The Development Plan: The Elmbridge Core Strategy 2011 and the Replacement Elmbridge Borough Local Plan 2000

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**Land at Claygate Primary School, Foley Road, Claygate, Surrey KT10 0NB**

Construction of tarmac multi-use games area with fencing surrounds.

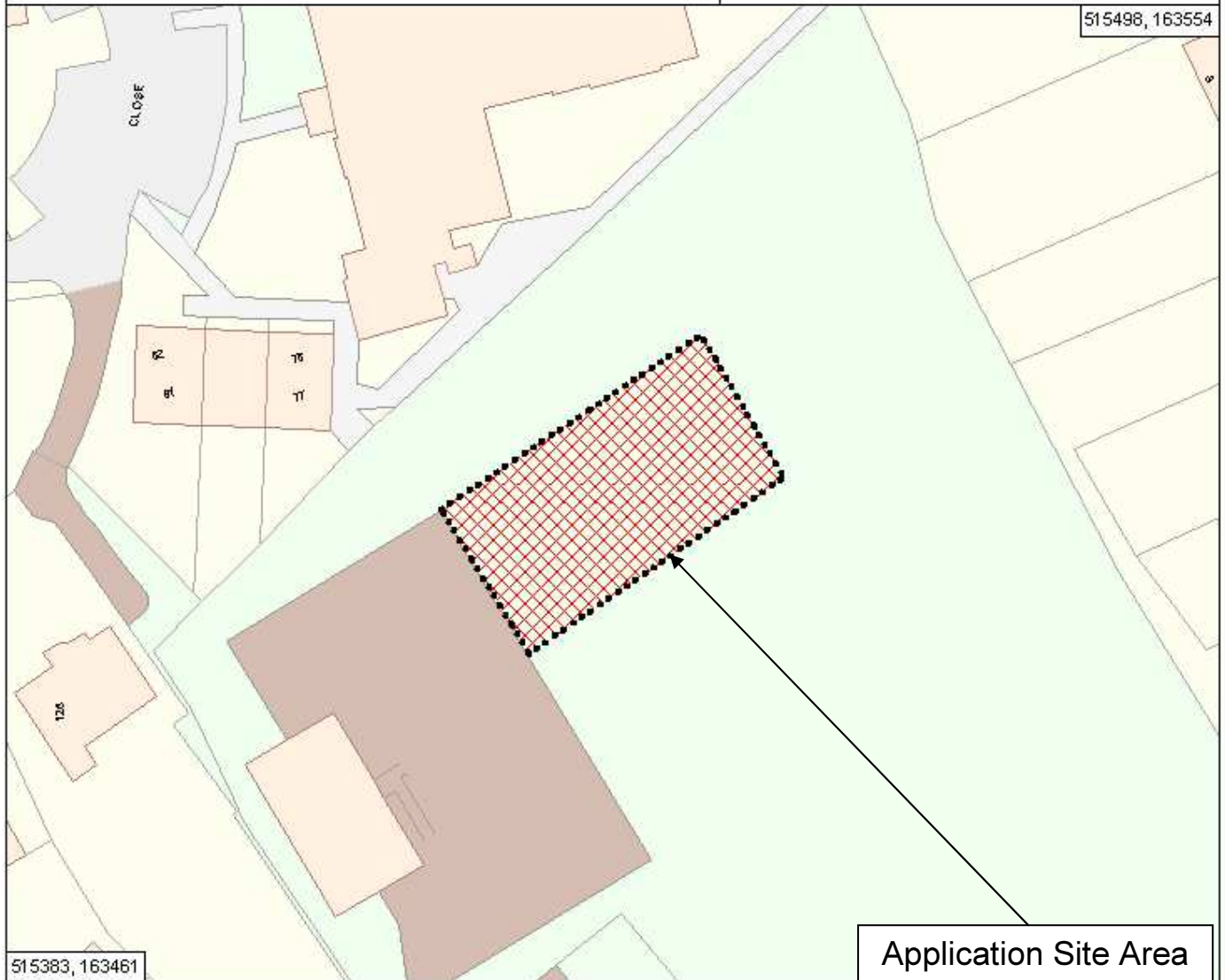
Application No(s): EL/2012/3285

Electoral Division(s): Hinchley Wood, Claygate & Oxshott

Scale 1:10,000

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This plan is for indicative purposes only



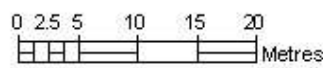
515498, 163554

515383, 163461

**Application Site Area**



Ref No: SCC Ref 2012/0070  
Date printed: 02/10/2014



Scale  
1:600

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## Aerial 1 : Land at Claygate Primary School



All boundaries are approximate

## Aerial 2 : Land at Claygate Primary School



Fig 1 : Looking north from playing fields to location of proposed MUGA and adjoining housing, with The Firs development in the centre



Fig 2 : View to the northwest from the location of proposed MUGA





Fig 3 : Looking north from location of proposed MUGA



Fig 4 : View to east from hard play area towards the part of the trim rail to be relocated



Fig 5 : Looking west from the location of proposed MUGA



Fig 6 : Looking south from the location of the proposed MUGA



**TO:** PLANNING & REGULATORY COMMITTEE  
**BY:** PLANNING DEVELOPMENT CONTROL TEAM  
 MANAGER

**DATE:** 24 September 2014

**DISTRICT(S)** RUNNYMEDE BOROUGH COUNCIL

**ELECTORAL DIVISION(S):**  
 Foxhills, Thorpe and Virginia Water  
 Mr Few

**PURPOSE:** FOR DECISION

**GRID REF:** 501513 165750

**TITLE:** SURREY COUNTY COUNCIL PROPOSAL RU.14/0464

## **SUMMARY REPORT**

**Land at Lyne and Longcross C of E School, Lyne Lane, Lyne, Chertsey, Surrey, KT16 0AJ.**

**Construction of new 2 storey main school building and single storey extensions to existing hall and nursery buildings following demolition of existing main building and demountable building; extension of school site by approximately 75 m2 into adjoining church yard; construction of new access onto Lyne Lane; and associated external works including new car park, extension of hard play areas and culverting of existing ditch.**

**Lyne and Longcross is a 1 form of entry (FE) infant school which it is proposed be expanded to a 1FE primary school as part of the package of school expansions being proposed to address the forecast rise in demand for school places across Runnymede. It occupies a site to the south of Lyne village where it is adjoined by Lyne Parish Church and a number of isolated houses, commercial and equestrian establishments. The site is in the Green Belt. The buildings comprise a compact group of single storey buildings on the east side of Lyne Lane: a Victorian main building, a freestanding hall and kitchen dating from the 1990s and two modular classroom buildings.**

**The main component of the scheme is the replacement of the Victorian building and one of the modular classrooms by a new two storey building. There would be small extensions to the hall and the other modular building. As a result, the school's capacity would rise from its existing 90 places to 210 places. Overall the proposal would result in a 58% increase in the floorspace on the site. The new main building would be 93% larger than the one it replaces in terms of footprint and nearly 4 times larger in terms of floorspace. The development would however be contained within the existing compact envelope of built development within the site. The new main building is designed in vernacular style closely following the existing in terms of brick and stonework finishes, use of gables and a traditional pitched, tile roof. To accommodate this building, the vehicular entrance to the site would be relocated slightly and a new car park created. Both the existing and proposed parking areas are small but provide a similar ratio of spaces to staff numbers.**

The application has attracted 11 individual letters of objection. The main grounds for objection are traffic impacts and impacts on Green Belt, the setting of an adjoining listed building and visual amenity, and traffic impacts. In addition, two petitions have been received. One objects to the proposals on the above grounds. The other supports the proposal on grounds that it addresses quantitative and qualitative needs for school places required in Runnymede, in well designed buildings which will facilitate high standards of education locally.

The Borough Council have raised objection on grounds that no very special circumstances have been advanced sufficient to outweigh the harm to the Green Belt arising from the scale of development proposed.

Officers consider it to be a well designed building which does not adversely affect the visual amenity of its immediate surroundings or the setting of the nearby listed building. Impact on trees can be satisfactorily dealt with by landscaping conditions and satisfactory measures have been proposed to deal with possible impacts on bats from demolishing an old building. The development does not adversely affect residential amenity through size, location or layout of buildings. The design of the proposed culvert is considered to be appropriate to avoid any risk of flooding and to deal with surface water.

The development clearly constitutes inappropriate development in the Green Belt. It causes harm to the openness of the Green Belt which is substantial but localised and to which officers attach moderate weight. It does not contribute to urban sprawl or the coalescence of settlements. Very special circumstances are considered to exist in the form of the contribution made by the proposal to a package of school development proposals addressing numerical, structural and choice aspects of the need for additional school places in Runnymede borough. These are considered to clearly outweigh harm due to inappropriateness and the loss of openness. Other non- Green Belt harm, in terms of the amenity impacts of traffic and parking and on trees and hedges can be reduced to acceptable levels by mitigation measures proposed and secured through appropriate conditions. Relevant planning policy consideration have been addressed and the development can therefore be permitted.

The recommendation is to PERMIT subject to conditions

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## APPLICATION DETAILS

### *Applicant*

The Governors of Lyne & Longcross C of E School and Surrey County Council

### *Date application valid*

19 March 2014

### *Period for Determination*

14 May 2014

## **Amending Documents**

Revised Transport Statement dated July 2014, Revised School Travel Plan dated July 2014, and Addendum to Transportation Statement dated July 2014, all received 23/07/14.

Drawing no. 5067/2000/ W-4, 'Proposed External Works and Drainage Plan', received 23/07/14

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## **SUMMARY OF PLANNING ISSUES**

This section identifies and summarises the main planning issues in the report. The full text should be considered before the meeting.

	<b>Is this aspect of the proposal in accordance with the development plan?</b>	<b>Paragraphs in the report where this has been discussed</b>
<b>Inappropriateness of Development in the Green Belt</b>	no	27 - 28
<b>Design and Visual Amenity</b>	yes	29 - 32
<b>Impact on Residential Amenity</b>	yes	33 - 35
<b>Impact on Trees</b>	yes	36 - 39
<b>Impact on Listed Building</b>	yes	40 - 41
<b>Ecological Impacts</b>	yes	42 - 45
<b>Traffic and Parking Impacts</b>	yes	46 - 56
<b>Flooding and Drainage</b>	yes	57 - 59
<b>Very Special Circumstances to Justify Inappropriate Development in Green Belt</b>	yes	60 – 62, 65 - 66
<b>Loss of Openness</b>	no	63 - 64

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## **ILLUSTRATIVE MATERIAL**

### **Site Plan**

Plan

### **Aerial Photographs**

Aerial

### **Site Photographs**

Figure 1 Existing school building, with hall behind, viewed from south west across Lyne Lane

Figure 2 Location for rear extension to existing hall

- Figure 3 Location for rear extension to existing modular classroom building
- Figure 4 Existing main building and hall, viewed from rear (north)
- Figure 5 Lyne Lane, looking north from existing pedestrian entrance
- Figure 6 Lyne Lane north of school site, looking south
- Figure 7 Lyne Lane, looking south, with existing access to school site on left
- Figure 8 Demountable classroom and walnut tree to be replaced, location for proposed new vehicular access and car park.
- 

## BACKGROUND

### *Site Description*

- 1 Lyne and Longcross Infant School lies approximately 300m south of the built up area of Lyne village and 2km west of the western edge of the built up areas of Addlestone and Chertsey. It lies on the east side of Lyne Lane, adjoined to the south by the churchyard of Lyne parish church and to the north by a detached private dwelling, the School House. The church is a Grade II listed building. On the west side of Lyne Lane are several clusters of buildings in commercial and equestrian uses set in open fields mainly grazed by horses. There are isolated detached dwellings to the north and south. The school buildings occupy the road frontage, with playing fields at the rear, which also extend across the rear of the School House. To the rear of the playing field is woodland, and beyond that a mobile home park set in a wooded landscape on the south edge of Lyne village. To the north and south of the school and church are several detached houses set in extensive grounds.
- 2 The school buildings comprise:
  - a Victorian main building close to the road frontage. This is a single storey gothic style building built in a cream stock brick with stone dressings and pitched, clay tile roofs. A gable end with stone fascia faces the road, and main windows also have stone cills and lintels. There are later single storey extensions at the rear
  - also on the frontage is an old demountable classroom building used as a nursery
  - to the rear of the main building is an 'L' shaped modern building housing the school hall, kitchen and one classroom. This is also finished in brick, with a hipped, tiled roof
  - also to the rear, a modern, timber modular classroom building ( the 'Homelodge' building), which is painted green and has a shallow pitched roof
  - 
  - an open ditch runs across the front half of the site, separating the main building and hall on one side and the nursery and 'Homelodge' building on the other
- 3 There are three existing access points into the site from Lyne Lane; a vehicular access in front of the main building, leading to a small tarmaced parking area which can



accommodate up to 6 cars and about 8m to the north of that, a pedestrian gate. At the northern end another pedestrian gate gives direct access to the existing nursery building. An evergreen hedge marks the school’s front boundary. On the opposite side of the road, an informal lay by contains parking spaces clear of the carriageway, extending along the frontage of the churchyard as far as the southern end of the school site. To the north of that is the entrance to a gated commercial yard with a wide crossover and to the north of that, opposite the School House, another short section of informal layby.

- 4 The school is currently a one form of entry infant school (90 places), and it is proposed that it be enlarged to a one form entry primary school (210 places).

**Planning History**

- 5 RU10/1043 Erection of timber framed polycarbonate screen canopy to existing detached outbuilding. Permitted October 2010.
- RU09/0792 Erection of single storey extension to south side of existing hall to provide kitchen and store facilities. Permitted October 2009.
- RU08/0960 Erection of new kitchen and link corridor following demolition of existing servery. Permitted November 2008.
- RU08/0396 Erection of canopies at front elevation of classroom and linking two school buildings. Permitted June 2008.
- RU05/0997 Detached single storey modular timber building to be used as staff room and learning resource room. Permitted December 2005.
- RU04/0083 Extension of playground. Permitted February 2004.
- RU02/0028 Erection of shelter over part of play area. Permitted February 2002.

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**THE PROPOSAL**

- 6 In order to provide the accommodation required for a primary school on this site it is proposed to replace the existing main building and nursery and to extend the hall and ‘Homelodge’ buildings.
- 7 The replacement for the main building would be on a similar alignment to the existing one, but two storeys high. It seeks to replicate the gothic style and materials of the building it would replace, and features a light brick, gables facing the road and stone window surrounds. The building would contain three classrooms, staff room and reception and office space on the ground floor, with a further three classrooms and library on the first floor. It would be closer to the frontage than the existing building and as a result the existing tarmac parking area would be lost.
- 8 The demountable classroom at the front would be removed, and the ‘Homelodge’ building would become the nursery, with a small single storey timber clad extension on its east

(rear) side. The hall would also be extended eastwards by approximately 5m, in similar style to the existing.

- 8
- 9 A new vehicular access is proposed towards the north end of the Lyne Lane frontage, giving access to a bin store and car park located in approximately the position of the old demountable building. In the form originally submitted, the car park provided 4 spaces, but the amended scheme now provides 8 spaces. This would require the removal of an existing large walnut tree. The old vehicular access would become the main pedestrian access to the school. The Transport Statement and School Travel Plan submitted in support of the application, as amended, propose the following other off site measures to mitigate the anticipated traffic and parking impacts of the school's expansion;
- improvements to the church car park at the southern end of the churchyard about 120m from the school site. These comprise widening the entrance to all simultaneous entry and exit, a footpath link to the existing footpaths across the churchyard leading towards the school, and a tarmaced waiting area. The church car park would then have a capacity for approximately 30 cars.
  - Operation by the school of walking bus and/or park and stride from the church car park. This has the full support of the vicar on behalf of the parish
  - Promotion of a walking bus and/or park and stride from the car park of Lyne Village Hall, approximately 700m to the north of the school. This car park has a capacity of about 45 spaces
  - Provision of a 20m section of parking restriction on the bend approximately 100m north of the school, to provide a passing place for traffic to wait where there can be expected to be a continuous line of parked cars around school start and finish times
- 10 To accommodate the various elements of the expanded school, it is proposed that the ditch bisecting the site be culverted. To the south of the proposed main building, a part of the churchyard measuring approximately 3m x 24m would be incorporated into the school, to enable paved access to the rear of the new building. A new hedge would be planted on the new boundary line. At the rear of the site, an existing hard play area would be extended in a strip approximately 4m x 38m onto the edge of the school playing field.

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## CONSULTATIONS AND PUBLICITY

### *District Council*

- 11 Runnymede Borough Council: Object on grounds 1.) that very special circumstances sufficient to justify inappropriate and harmful development in the Green Belt have not been demonstrated and 2.) that it has not been demonstrated that parking, traffic and highway implications are acceptable.

Further comments received 01/10/14 – now object only on ground 1.)

### **Consultees (Statutory and Non-Statutory)**

- 12 County Highway Authority  
(Transport Development Planning): Location of school relative to catchment area makes site unusually reliant on private car for school travel. Sufficient mitigation has been identified to address impacts of additional traffic and parking likely to be generated. Recommends conditions.
- 13 County Historic Buildings Advisor: Does not consider school building to be worthy of listing. Proposals do not adversely affect setting of adjoining listed building, Proposal satisfies conservation policies of NPPF, so no objection.
- 14 County Arboriculturalist: No views received (29/09/14).
- 15 County Ecologist: Applicant has carried out building inspections and emergence surveys necessary before a Victorian building is demolished.
- 16 Environment Agency: Refer to standing advice. Site is crossed by an ordinary watercourse, which is the responsibility of the County Council as lead local flood authority.
- 17 Flood and Water Services Manager: Requires minimum dimensions for culvert and arrangements for access for maintenance, to be secured through application for Land Drainage Consent.

### **Parish/Town Council and Amenity Groups**

- 18 None.

### **Summary of publicity undertaken and key issues raised by public**

- 19 The application was publicised by the posting of 2 site *notices* and an advert placed in the local newspaper. In addition, 11 surrounding properties, mostly residential, were directly notified by letter. Eleven individual letters of representation have been received, raising objection on the following grounds;
- reduction in on-site parking despite increase in pupils and staff numbers; relatively small increase in staff numbers proposed is questioned; existing and proposed parking for staff is incompatible with standards for similar sized commercial development and does not accord with Local Plan PolicyMV9
  - existing conditions for parking are unsafe; parking takes place on verges near school despite availability of parking elsewhere; safety issues for access and egress from residential and commercial properties as a result of parked cars
  - school drop off would coincide with rush hour on a busy through road; there would be a conflict with traffic generated by nursery at junction of Almnors Road and Hardwick Lane

- relocation of school access to a point opposite a builders yard, combined with increased traffic and reduced parking provision would result in severe transport impacts contrary to Local Plan Policy MV4 and para 32 of NPPF
- The school travel Plan is unrealistic in promoting walking and cycling to this location; local roads are unsuitable and distances too great; walking buses are not reliable and are not used in bad weather
- the school is dependent on the private car for access and lacks public transport. Expansion fails sustainability criteria contrary to NPPF. Emerging Runnymede Core Strategy directs housing to existing settlements and education provision should follow housing; other communities within the catchment area are served by other local schools; a school designed to serve the much smaller local community of Lyne is not suitable for expansion
- under NPPF, new buildings are not acceptable in Green Belt if materially larger than those they replace; new building would be wider, higher and deeper than the ones it would replace; it would be closer to frontage and more visible in street scene
- the existing building is small and attractive and should be retained; it respects setting of adjoining Listed Building; there is an unobstructed view from church and churchyard towards existing building; listed building's setting would be altered by poor design quality and scale of replacement contrary to Local Plan Policy BE10
- attractive, traditional design of existing building, especially its stone finish reflecting that of the church is not replicated; the building is out of character with Lyne village; it has a functional design lacking in architectural detailing
- site is too small to accommodate sport and recreation needs of junior age children
- support principle of expansion but parking and traffic issues have not been adequately dealt with
- school will be less popular with parents of older children who have the option to attend other larger schools; its existing appeal is as a small village school
- proposals could be altered to benefit of neighbouring property by moving the 'Homelodge' building to the other side of the site. This would enable provision of slightly more on site parking (10 spaces), retention of walnut tree on site frontage and a grounds maintenance access directly through the site; the existing grounds maintenance access along the far side of School House would be redundant; plans do not accurately reflect width of existing grounds maintenance access or its relationship to School House; neighbours prepared to fund 'Homelodge' relocation subject to title of redundant grounds maintenance access being transferred.

The above comments were all made in response to initial consultation carried out. Neighbours were notified of the receipt of additional traffic parking information in July 2014. No further representations have been received following this later consultation.

- 20 In addition, two petitions have been received. One, with 43 signatures ( and 115 signatures on an online petition), raises objection to the school's expansion on grounds of the adverse traffic impacts it will have. The other, with 206 signatures, supports the proposal on grounds that it addresses quantitative and qualitative needs for school places required in Runnymede, in well designed buildings which will facilitate high standards of education locally.

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## PLANNING CONSIDERATIONS

- 21 The County Council as County Planning Authority has a duty under Section 38 (6) of the Planning and Compulsory Purchase Act 2004 to determine this application in accordance with the Development Plan unless material considerations indicate otherwise. Section

70(2) of the Town and Country Planning Act 1990 (as amended) (1990 Act) requires local planning authorities when determining planning applications to “have regard to (a) the provisions of the development plan, so far as material to the application, (b) any local finance considerations, so far as material to the application, and (c) any other material considerations”. At present in relation to this application the Development Plan consists of the Runnymede Borough Local Plan Second Alteration 2001.

- 22 The National Planning Policy Framework (NPPF) was adopted in March 2012. This document provides guidance to local planning authorities in producing local plans and in making decisions on planning applications. The NPPF is intended to make the planning system less complex and more accessible by summarising national guidance which replaces numerous planning policy statements and guidance notes, circulars and various letters to Chief Planning Officers. The document is based on the principle of the planning system making an important contribution to sustainable development, which is seen as achieving positive growth that strikes a balance between economic, social and environmental factors. The Development Plan remains the cornerstone of the planning system. Planning applications which comply with an up to date Development Plan should be approved. Refusal should only be on the basis of conflict with the Development Plan and other material considerations.
  
- 23 The NPPF states that policies in Local Plans should not be considered out of date simply because they were adopted prior to publication of the framework. However, the guidance contained in the NPPF are material considerations which planning authorities should take into account. Due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF ( the closer the policies are to the policies in the Framework, the greater the weight they may be given).
  
- 24 The site is in the Green Belt and involves replacing an existing school building with a materially larger one and small extensions to two other school buildings. It is necessary to consider whether the proposal constitutes inappropriate development in the Green Belt, and if so, whether very special circumstances exist which clearly outweigh the harm to the Green Belt. The application states that this proposal is one of a number being brought forward to address a significant identified shortfall in school places in the area.
  
- 25 Other issues to be taken into account are whether the design of the proposed new main building is of sufficient quality, given that it would replace a building of character which contributes to the quality of townscape in the immediate area; whether there are any adverse impacts on the setting of the adjoining listed building or other heritage considerations; whether the scale and layout of the proposed development would impact on the residential amenities of the adjoining dwelling; whether there are any ecological impacts; and whether the proposed changes to the school’s access, or the traffic generated as a result of its expansion are acceptable in terms of highway safety or residential amenity.
  
- 26 Para 72 of the NPPF highlights that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It continues by stating that Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. It states that Local Planning authorities should *inter alia* give great weight to the need to create, expand or alter schools.

**Inappropriateness of Development in the Green Belt  
Runnymede Borough Local Plan Second Alteration 2001  
Policy GB1 – Development Within the Green Belt  
National Planning Policy Framework 2012 – paras 87 and 89**

- 27 Local Plan Policy GB1 states that there will be a strong presumption against development in the Green Belt which would conflict with the purpose of the green belt or adversely affect its open character. NPPF para 87 states that development which is inappropriate should not be approved except in very special circumstances. Para 89 states that new buildings in the Green Belt are inappropriate with certain listed exceptions. The exceptions include the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original buildings; and replacement of a building providing the new building is in the same use and not materially larger than the one it replaces.
- 28 The main component of this proposal is the replacement of the existing single storey main building of the school with a new two storey one. The new building would have a footprint only slightly larger but the building would be higher and deeper. The overall net increase in floorspace on the site on the site as a result of the scheme, which is attributable largely to this new building, would be about a 58% increase over the aggregate of the existing buildings. The replacement main building has footprint 93% larger than the existing main building, and nearly four times as much floorspace. It must therefore be considered to be materially larger. Notwithstanding that the other extensions are relatively modest and not in themselves inappropriate, by virtue of the replacement building, the development as a whole must be considered to constitute inappropriate development.

**Design and Visual Amenity  
(No relevant development plan policy identified)  
NPPF, Section 7**

- 29 Para 17 of the NPPF states that planning should always seek to ensure a high quality of design. Section 7 of the NPPF promotes the achievement of high quality and inclusive design for individual buildings and public and private spaces. Para 58 states that planning decisions should aim to ensure that all developments satisfy a number of criteria, including establishment of a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; are visually attractive as a result of good architecture and appropriate landscaping.
- 30 The application proposes a design for the replacement two storey block in a vernacular style highly reminiscent in its detailing, form and choice of materials of the Victorian building it would replace. In particular, it incorporates roof and facing brick types similar to the existing, gables with a similar profile and use of stone cills. The approach to the appearance of this building, using traditional materials and a building form and incorporating details which reflect and perpetuate the character of the building to be demolished, which itself has continuity with other prominent local building, the church, is one that can be supported. The development in its main element responds to and maintains local character and history and reinforces local distinctiveness. As a result of its two storey nature, greater size and positioning slightly closer to the site frontage than the existing, this building will be a prominent feature in the street scene, but because of its

careful design, integrated with the adjoining church, the impact on visual amenity and the street scene is not considered to be a negative one.

- 31 The proposed extensions to the other existing buildings both also closely follow their existing form and appearance. Both are rearward extensions which have no impact on the street scene.
- 32 Officers consider that the development meets the requirements of planning policy in relation to design quality.

### **Impact on Residential Amenity (No relevant development plan policy identified)**

- 33 Para 17 of the NPPF states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 34 There is one residential property bordering the school site (The School House). This adjoins the northern boundary of site. Its flank elevation faces the existing school buildings on the front part of the site, and the outdoor play areas and circulation areas immediately around them. The main flank elevation of the school house is approximately 1.5m from the boundary, but a single storey extension at the side and rear extends right up to the boundary. There are two windows on the flank elevation, one on the ground floor and one on the first floor. The boundary is marked by a 2m high wooden fence, and only the upper part of the ground floor window is visible above the fence. The proposed new two storey building would be 15m away from this boundary at its nearest point, and 17m from the house's flank elevation. The new building would have ground floor and first floor windows facing the flank elevation, but this is a relationship which officers consider to be acceptable in terms of scale, privacy and overlooking. The nearest existing building to the School House is the demountable nursery building which is to be removed under the application proposals and replaced by part of the new car park. The School House is sufficiently close to the school site to experience some impact from the day to day activities of the school. The substitution of a classroom building by a car park is not considered to give rise to significantly greater impacts on residential amenity.
- 35 Other impacts on residential amenity arising from traffic and parking considered in paras 46 - 56 below.

### **Impact on Trees Runnymede Borough Local Plan Second Alteration 2001 Policy NE12 – Protection of Trees**

- 36 Local Plan Policy NE12 seeks to protect significant trees, hedgerows and woodlands and make provision for new planting, through the use of development control powers.
- 37 The tree survey submitted with the application identifies and assesses existing trees within the site. There are a group of trees along the rear edge of the playground behind the school buildings and a single large walnut tree at the front, between the demountable nursery building and the front boundary. The application involves the removal of the walnut tree, which is located where the new vehicle access and parking area are proposed and reduction of the canopy of a poplar in the rear group where it would overhang the

extension to the hall.. The arboricultural survey accompanying the application identifies the walnut as a high quality tree, in good condition with a life expectancy of 20-30 years. Officers consider it contributes to the amenity of school site and is a feature of the site. As an ornamental tree, it is a continuation of the groups of ornamental trees in the church yard. However, its position makes it impossible to both retain tree and accommodate all the necessary elements of the development. If the new build is to be located in approximately the same position as the Victorian building, this is the only location available for a new vehicle access and provision of off street parking for staff. Officers consider it possible to replicate the function of this tree as a feature of the site through its replacement by a new specimen tree of appropriate ornamental species and size. The application proposes this in principle , at the front of site, between the new car park and site boundary. Provide this is done, officers consider that the aims of local plan policy, to preserve trees as features, can be achieved. The details of replacement tree planting can be secured through the imposition of suitable conditions.

- 38 The provision of a new access with appropriate sightlines also necessitates removal of the existing hedge along the site frontage. This is a mixed evergreen hedge, backed by a mix of chain link and bow top rail fencing, containing privet, yew and holly maintained at a height of approximately 1.2 – 1.5m. It is considered to have little merit in itself , but contributes to character of school site as an essentially rural school. The character and visual amenity of the site can be satisfactorily preserved through the proposed replanting of a replacement hedge behind the sightlines. This can be secured through a condition.
- 39 The arboricultural assessment submitted with the application proposes use of tree protection fencing around the trees at the rear of the works area. These safeguards are necessary to limit the risk of damage to retained trees by construction works and their implementation should be secured through condition.

### **Impact on Listed Building**

#### **Runnymede Borough Local Plan Second Alteration 2001**

#### **Policy BE10 – Development Affecting the Setting of Listed Buildings**

- 40 Local Plan Policy BE10 resists development which would adversely affect the setting of a listed building by virtue of its design, scale, proximity or impact on significant views or aspects.
- 41 The historic buildings officer has commented that the building proposed to be demolished is not worthy of listing and there is no objection in principle on heritage grounds to its demolition. The conservation interest is limited to the setting of the adjoining listed church and lych gate. The proposed new building picks up on the general style of the existing building and the coloured elevations suggest that the intention is to use brick and stonework of a similar character to the existing. The historic buildings officer supports this approach. The building will inevitably look more domestic as the window cills will be set lower than is characteristic of a Victorian school but the overall form is sympathetic to what is being lost and to the adjoining church. The building would be larger than the existing but similar in style. It would not , however, be so large or so close to the church as to be dominant or draw attention away from the church’s architectural and historic character. Officers do not consider that the proposed redevelopment nor the loss of part of the churchyard will affect the setting of the church and lychgate, and is therefore acceptable in terms of Local Plan Policy BE10.



## **Ecological Impacts**

### **Runnymede Borough Local Plan Second Alteration 2001**

#### **Policy NE20 – Species Protection**

- 42 Local Plan Policy NE20 states that development will only be permitted where it does not cause harm to statutorily protected species. Conditions may be used to facilitate survival of individuals of protected species, reduce disturbance to a minimum and provide adequate alternative habitat where necessary.
- 43 Planning authorities must determine whether the proposed development meets the requirements of Article 16 of the EC Habitats Directive before planning permission is granted where there is a reasonable likelihood of European Protected Species being present. Recent case law indicates that the planning authority's duty under the Regulations cannot be discharged by attaching conditions to any permission granted requiring compliance with the separate licensing procedures under the Habitats Regulations if protected species are subsequently found. Reasonable steps must be taken before permission is granted to establish the presence or otherwise of protected species.
- 44 The proposal involves demolition of buildings which might reasonably be expected to contain roosting sites for bats, which are a European Protected species. The Ecological Assessment submitted with the application included external and internal inspection of all four existing buildings on the site, and the walnut tree to assess their suitability as bat roosts and to establish whether they were in fact used. No physical evidence of actual use by bats was found. Three of the buildings, and the tree, were assessed as having negligible potential, but the Victorian building was assessed as having medium potential. As a result, emergence surveys were carried out. No bats were observed emerging from any of the buildings, but bats were recorded foraging in the area, in particular in the church yard and along its boundaries.
- 45 Since bats were recorded in the area, and one of the buildings to be demolished has the potential to provide roosting sites (under slipped tiles and in gaps around the soffit and chimney), the ecological assessment recommends that as a precaution demolition of the roof of the Victorian building be by hand under the supervision of an ecologist. If any bats are found to be present, work should cease until a Natural England licence has been obtained. Provided these recommendations are followed, planning policy in relation to protected species will have been satisfied. They can be secured through conditions.

## **Traffic and Parking Impacts**

### **Runnymede Borough Local Plan Second Alteration 2001**

#### **Policy MV4 – Access and Circulation Arrangements**

#### **Policy MV9 – Parking Standards**

- 46 Local Plan Policy MV4 requires all development to comply with current highway design standards and that there are appropriate arrangements for access and circulation, having regard to the nature of development proposed, the area it is located, traffic congestion, accident potential and environmental and amenity considerations. Local Plan Policy MV9 requires compliance with the Borough Council's parking standards. However, these do not cover parking at schools.. The County Council's "Vehicular and Cycle Parking Guidance

January 2012' state that for schools, parking should be provided only to meet operational requirements, i.e. that required by staff and official visitors. NPPF para 32 states, 'All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.'

- 47 Lyne and Longcross School is located in a rural area, outside of the main built up area of Lyne village. Given the location and nature of the school, the children travel some distance to school - the closest child is around a third of a mile away and the furthest is several miles. The home locations of the children currently attending the school are predominantly spread across Lyne itself, the rural area to the south west of the site, Chertsey and Addlestone. There are also smaller numbers of children travelling from the Thorpe, Virginia Water, Egham and Englefield Green areas. In the circumstances of the school's relatively isolated location pupils are heavily dependent upon access by car. According to the submitted Transport Statement, 80% of children currently come to school by car with 5% car sharing. Just 6% walked or cycled to school. This was on the basis of 62 respondents out of the total 89 children currently enrolled at the school. A parking survey undertaken by the highway consultants counted 72 cars at the maximum. The consultants have calculated that there is currently available spare parking for a maximum of 103 cars within 200m of the school (on street and in the church car park and including all users, not just those associated with the school).
- 48 Assuming an unchanged catchment and no change to the existing modal split in which 80% of pupils travel by car, the school's proposed expansion to a 1 form of entry primary school from a 1FE infants will result in 168 children travelling to school by car, against the maximum identified existing supply of 103 available parking spaces. Officers view this shortfall of 65 parking spaces as a worst case, and unrealistically pessimistic, as the creation of a primary school at the site will increase the chances of two or more siblings attending the same school compared to an infant school. Additional information has been supplied in respect of numbers of reception children who had siblings of primary age for the past three years. This fluctuated from 36% to 48%. This indicates that around 40% of reception children could have an older sibling at the expanded school. Assuming only one sibling, this would result in a 20% reduction in the number of cars visiting the school - a reduction of around 30 cars from 168 to 138. With no additional measures, no travel plan and assuming all cars arrived at the same time, there would be a shortfall of around 35 spaces (not including additional demand for teachers cars). Officers consider that the predicted level of shortfall constitutes an unmanageable parking impact. An acceptable proposal would require further mitigation measures, including managing parents behaviour, reducing the number of cars, or by making available additional parking resources.

- 49 The Travel Plan has a stated target to decrease the number of children coming to school by car from 80% in 2014/15 to 47% in 2018/19. Reference is then made to park and stride and increasing proportions of siblings as ways of achieving this. If this is the case, the target as currently expressed is incorrect. Given the constraints of the location of the school and the home locations of the existing pupils, it is difficult to see how a reduction in access by car of this order can realistically be achieved. It would require a 33% drop in children accessing the school by car over 4 years. Unless the catchment of the school contracts significantly, a similar proportion of children will continue to access the school by car. The impact is lessened by park and stride, car sharing/siblings and other travel plan measures but the proportion will remain similar. The commitment of the school to such an aspirational target is applauded and recognised but officers consider that it would be exceptional for a travel plan to achieve modal shift of this magnitude in an urban area and is completely unrealistic in this location.
- 50 The applicant has therefore been asked to demonstrate other ways of increasing the supply of available parking. The school site itself is very constrained and there is no capacity for parent parking and pick-up/drop off facilities within the curtilage of the site. However, other steps are being proposed to improve the supply of parking available to parents.
- 51 The improvements to the church car park have the support of the church authorities and would increase its capacity to about 30 spaces. Given that support, its delivery can be relied upon. However, it would not deliver enough additional spaces to fully overcome the estimated shortfall of 35 spaces as it is already used by some parents as an alternative to on street parking.
- 52 The applicant has also identified the car park at Lyne Village hall as a site from which a walking bus and/or park and stride could operate. This car park has about 50 spaces. Contact with the village hall committee initially suggested this would in principle be acceptable. However, it appears that the village hall committee do not wish to enter into any formal agreements about its use at the moment. There remains, therefore, some uncertainty about its eventual availability as an additional parking resource. Though not a public car park, the village hall car park is publicly accessible and access is not restricted. Even without its promotion by the school as a parking place with the village hall's support, it is likely to be seen as a suitable parking place by some parents. If formal agreement cannot be made before the planning decision, it would be incumbent on the school to continue its efforts to secure use of the village hall car park as an identified objective of its Travel Plan
- 53 The existing parking supply identified by the transport statement is that within a 200m radius of the school. The village hall is 700m away and its use would need to be promoted by the school. It is likely that at this distance it would be more attractive to parents of junior age children. It has the advantage of offering off road parking. If it were not available, a potential outcome would be a higher level of on street parking beyond the 200m zone, including on Lyne Lane in the direction of the village hall.
- 54 It is proposed that the vehicular access to the site is moved from the centre of the existing building to a location approximately 15m north. This will provide access to the staff car park only. It has been demonstrated that adequate visibility for the speed limit of 30mph can be provided which is an improvement over the existing situation. Some of the hedge

will need to be cut back or removed and replaced to the south of the new access in order to provide the visibility. The old vehicular access to the site will become the new main pedestrian access to the school. There is currently inadequate space within the site for service vehicles to enter the site and this situation will continue with refuse collection vehicles and delivery vehicles servicing the site from the public highway. There is some concern in respect of the quantity of staff parking associated with the proposal. There are only 8 spaces proposed for 28 staff, currently there are 6 spaces for 20 staff. Any overspill staff parking will have to be on-street or in the church car park thus reducing the available parking for parents. The management of staff travel and parking will also need to be included in the Travel Plan.

- 55 It is proposed that a 20m length of parking restrictions be introduced on the bend to the north of the school to prevent parking and to ensure that there is a passing place for vehicles. The Parking Team have not expressed any concerns in respect of this. This will also slightly reduce available on-street parking by 3 or 4 spaces but it will improve traffic flow on Lyne Lane during school pick up and drop off and officers consider it to be a desirable mitigation.
- 56 Planning and highways officers consider that notwithstanding the uncertainty over the use of the village hall car park, the above represents a package of transport mitigation measures proportionate to the anticipated potential traffic and parking impacts. The package has been improved upon in the course of their evaluation of the application. The measures can in the main be secured by the imposition of conditions. While it is likely that the village hall will play some part in the overall mitigation of impact, there remains some uncertainty about whether this can be formally agreed. It would not, therefore be appropriate at this stage to make that element the subject of a condition. Taking into account these measures, the fact that the impact is an incremental one at a site where an existing school already gives rise to a significant number of car trips, and the short duration of existing and future impacts, officers do not consider that the residual cumulative impact, equivalent to additional parking demand of less than 35 cars for two short periods each day, is so severe as to justify the refusal of permission.

## **Flooding and Drainage**

### **Runnymede Borough Local Plan Second Alteration 2001**

#### **Policy SV2 – Flooding**

- 57 Local Plan Policy SV2 resists development in areas liable to flood unless the development can be shown not to impede the flow of flood water, reduce the capacity of the floodplain to store water or increase the number of people and properties at risk of flooding. Para 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere, informed as necessary in flood risk areas by a Flood Risk Assessment.
- 58 The site lies within Flood Zone 1 and is at low risk of fluvial flooding. The Flood Services Manager reports that there are no recent records of past actual flooding. However the ditch running through the site constitutes an ordinary water course, and surface water from buildings and hard surfaces on the site discharge to it. Downstream of the open ditch in the school site, the watercourse is already culverted under the school field, and upstream where it runs under the road. In order that the risk of flooding is not increased elsewhere, the Flood and Water Services Manager considers that the capacity of the culvert proposed

to replace the ditch should be at least as great as the existing culverted section, with provision made for suitable access to the new section of culvert for maintenance. These details would be secured through the separate application for Land Drainage Consent which would be required. The existing culvert has been identified as 375mm diameter, while the application plans show a new section of box culvert 1000 mm x 800 mm, significantly larger than that downstream. In principle, the requirements of planning policy to avoid the creation of new flood risks have been satisfied, and the details will be secured through other legislative mechanisms.

- 59 The application involves a greater area of buildings than at present, but these are located in the main in areas where there are existing hard surfaces, limiting any potential increases in surface water run off. The applicants propose that new play areas and car parks proposed be finished in porous tarmac, and that the proposed hall extension would discharge to a soakaway. Residual increases in volume of surface water to be disposed of would be attenuated by the storage capacity created by the large size of the box culvert.

**Harm to the Green Belt and Consideration of Very Special Circumstances  
Runnymede Borough Local Plan Second Alteration 2001  
Policy GB1 – Development Within the Green Belt  
National Planning Policy Framework 2012 – paras 87 and 88**

- 60 Local Plan Policy GB1 states that there will be a strong presumption against development in the Green Belt which would conflict with the purpose of the green belt or adversely affect its open character. NPPF para 87 states that development which is inappropriate should not be approved except in very special circumstances. Para 88 states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
- 61 The Schools Commissioning Officer has set out what he consider to be very special circumstances for the expansion of this school in the Green Belt, in a supporting statement setting out the educational need for the proposal. The suggested VSCs can be summarised as follows;
- the County Council projects demand for school places in reception (YR) and year 3(YR3) based on data on birth rates, migration and demand arising from new housing data supplied by the Borough Council
  - this shows demand for YR places in Runnymede as a whole rising from 807 in school year 2011/12 to 912 in 2024/25. Equivalent figures for Y3 places are 722 rising to 916
  - The County Council has increased the number of places at Darley Dene Infant School (Addlestone), Trumps Green Infant School (Virginia Water), St Ann's Heath Junior School and Thorpe C of E Infant School)
  - Further expansions are being promoted at The Hythe Primary School,(Egham), Sayes Court Primary School (Addlestone) and Lyne and Longcross.
  - If all expansions in both the above categories are implemented, supply of places of 910 at YR and 900 at Y3 would be achieved by 2019/20. They are all therefore required to meet the forecast demand for places and avoid the risk of the authority being unable to fulfil its statutory duties to ensure the provision of sufficient places
  - Comparison of forecast demand for places in 2013 and actual numbers on roll suggest the figures may underestimate demand.
  - The borough is divided into 5 planning areas for school place planning purposes. Although Lyne and Longcross is located in the Virginia Water and Englefield Green

planning area, in practice it has a dispersed catchment, with the majority of pupils being drawn from the Chertsey and Addlestone and Ottershaw planning areas. However, most of its pupils at Y3 move on to St Ann's Heath Junior School in Virginia Water

- In addition to contributing to the overall supply of places, this proposal would produce a better balance between community and church school places, with an all through Cof E primary on the application, freeing up Y3 places at the St Anns Heath Community Junior School for pupils at Meadowcroft Community Infant School who currently do not have a clear route to a junior place.
- The proposal is therefore an integral part of a package of proposals to increase the number of places available across the borough.
- It also meets SCC policy that where capital is to be invested to meet basic education need, opportunities should be taken to create all through primary provision
- There are educational, financial and parental choice advantages to all through primary schools; they offer a seamless transition from Key Stage 1 (infant) to Key stage 2 (junior), avoiding a performance dip resulting from changing schools, and improving progress tracking and assessment of individual pupils; it is expected that small single form of entry infant schools will find it harder to be financially viable as funding arrangements more closely reflect numbers on roll; and all through primaries are popular with parents as they reduce the risk of siblings attending different schools and when applying at YR they give certainty of a place through to Year 6.
- There are major housing proposals for the former DERA site at Longcross comprising a planning application for 200 houses at the north site. The longer term proposal for a further 1300 houses on the DERA south site would be large enough for a new school to form part of the proposals, but appropriate provision needs to be made at schools local to the DERA site ( including Lyne and Longcross) to address the impact of the north site proposals in the meantime.
- Nevertheless, reflecting the school's existing catchment, other options for delivering an equivalent number of places at other sites in the Chertsey and Addlestone and Ottershaw planning areas have been considered;
  - Creation of 1 FE primary on existing Meadowcroft Infant site: Meadowcroft is too small a site at 0.48 ha to provide suitable play space for junior age pupils. Lyne and Longcross is also small, but at 0.75ha is significantly larger than Meadowcroft.
  - Additional Junior intake at Ottershaw Junior School: This site is also in Green Belt, but on the edge of the urban area where harm to green belt might be considered less than on the Lyne and Longcross site. However, Ottershaw is a church school and not a county owned site, and proposals to expand it were rejected by the diocese. In those circumstances the County Council is unable to compel the school to expand
  - Pycroft Grange Primary: Provide additional junior places. Providing additional expansion here would not reflect parental preference. Having different PANs at YR (Key Stage 1) and Y3 (Key Stage 2) within a single primary school is not educationally coherent. The site is large enough and in an urban area, but in a high flood risk zone.
  - Stepgates Primary; add junior places to existing 1FE primary. The site is undersized for its existing 1FE and size constraints would be exacerbated. As with Pycroft Grange, disadvantages of split PAN at Key Stage 1 and Key Stage 2.

The Schools Commissioning officer's statement is reproduced in full as an ANNEXE to this report.

- 62 The applicant considers that parental preferences are factor which should be given great weight in putting together a package of proposals to address the forecast need. The petition received in support of the proposal also sets store by qualitative benefits of the

proposal. In the circumstances, giving weight to these considerations where another site physically capable of taking the required expansion is justified under para 72 of the NPPF.

- 63 The development is contained within the part of the existing site which is already substantially developed. Buildings do not encroach onto the undeveloped part of the school site containing its playing field. The extensions to the existing school hall and 'Homelodge' buildings are relatively minor and add only marginally to the impact these buildings have on the openness of the Green Belt. On their own, these elements would not be considered inappropriate development under para 89 of the NPPF.
- 64 However, the new building would have a footprint approximately 93% than the existing main building and 62% larger than the aggregate of the two buildings to be demolished. The harm to the Green Belt should, however, be considered in the context of the hall / kitchen building to the rear of the existing Victorian building. The hall is a substantial building, with a larger footprint than the original Victorian building. The overall net increase in the footprint of all buildings on the site as a result of the development would be 53%. The percentage increase in floorspace would be greater than this given the two storey nature of the main element, the new classroom building. It would be higher, wider and deeper than the building it directly replaces. Officers therefore consider that the development would be more prominent and have a substantial impact on the openness of the Green Belt, but only in its immediate context. This aspect of harm is therefore given only moderate weight. The building would be contained within the developed part of the school's existing curtilage, and it is not considered to add to sprawl or the coalescence of settlements. The primary impression of the site, that of a long-established developed site embedded within the Green Belt, to which substantial new buildings have been added in recent years, is not altered to any significant degree and overall harm to the Green Belt is limited.
- 65 Officers consider that the need to provide additional school places in the area and the role which Lyne and Longcross would play as part of the package of proposals which addresses not only the number of places required but also the balance between infant and junior places and issues of choice and preference which would not be address by expansion at other schools in the area ( as set out in para 61 above) constitute very special circumstances of sufficient weight to outweigh the harm due to inappropriateness and other harm.
- 66 The development involves in total approximately 930m<sup>2</sup> gross new floorspace. It does not therefore fall within the provisions of the Town and Country Planning (Consultation) (England) Direction 2009, which requires development which is inappropriate development in the Green Belt and involves new buildings of more than 1000m<sup>2</sup> to be referred to the Secretary of State .

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## **HUMAN RIGHTS IMPLICATIONS**

- 67 The Human Rights Act Guidance for Interpretation, contained in the Preamble to the Agenda is expressly incorporated into this report and must be read in conjunction with the following paragraph.
- 68 In this case, the Officer's view is that while potential impacts on amenity caused by traffic are acknowledged, the scale of such impacts is not considered sufficient to engage Article

8 or Article 1 of Protocol 1. Their impact can be mitigated by conditions. As such, this proposal is not considered to interfere with any Convention right

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## CONCLUSION

69 The development constitutes inappropriate development in the Green Belt which causes harm to openness but does not affect the visual amenity of the Green Belt or the purposes of including land in Green Belts. Very special circumstances are considered to exist in the form of the contribution made by the proposal to a package of school development proposals addressing numerical, structural and choice aspects of the need for additional school places in Runnymede borough. These are considered to outweigh harm due to inappropriateness and other harm to the Green Belt. Other harm, in terms of the amenity impacts of traffic and parking and on trees and hedges can be reduced to acceptable levels by mitigation measures proposed and secured through appropriate conditions. Relevant planning policy consideration have been addressed and the development can therefore be permitted.

## RECOMMENDATION

That, pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, application no. RU2014/0464 be PERMITTED subject to the following conditions;

Conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in all respects strictly in accordance with the following plans/drawings:

5067 E-01 rev. A	Existing Site and Location Plans, dated 14/03/14
E-02	Topo and Services Surveys, dated September 2013
E-03	Existing Plans, undated.
E-04	Existing Elevations to be retained, undated
E-05	Existing Elevations to be demolished, undated.
P-01 rev. A	Proposed Site and Construction Plans, dated 14/03/14
P-02	Demolition Plan, undated.
P-04	Proposed Culvert Plan and sections, undated
P-10	Proposed Ground Floor Plan, undated
P-11	Proposed First Floor plan, undated.
P-12	Proposed Roof Plan, undated
P-13	Proposed Hall Extension Plan, undated.
P-14	Proposed Hall Roof Plan, undated.
P-15	Proposed Nursery Extension Plan, undated.
P-20 rev. A	Proposed West and South Elevations, dated 14/03/14.



P-21 rev. A	Proposed East and North Elevations, dated 14/03/14.
P-22	Proposed Hall extension Elevations, undated.
P-23	Proposed Nursey Extension elevations, undated.
P-30	Proposed Ground and First Floor Plans, undated
2000 rev W-4	Proposed external Works and drainage Plan, dated 22/07/14.

3. The development hereby permitted shall not be occupied until the proposed vehicular access to Lyne Lane has been constructed and provided with visibility zones in accordance with the details shown on drawing number 5067/2000 revision W-4 and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.
  
4. The development hereby permitted shall not be occupied unless and until space has been laid out within the site in accordance with the details contained in drawing number 5067/2000/W-4 for staff vehicles to be parked. Thereafter the parking area shall be retained and maintained free from any impediment to its designated purpose.
  
5. The development hereby permitted shall not be commenced until a Construction Transport Management Plan, to include details of:
  - a) parking of vehicles for site personnel, operatives and visitors;
  - b) loading and unloading of plant and materials;
  - c) storage of plant and materials;
  - d) programme of works;
  - e) measures to prevent the deposit of materials on the highway;
  - f) vehicle routing;
  - g) on-site turning for construction vehicles;
  - h) traffic management
 has been submitted to and approved in writing by the County Planning Authority. Only the approved details shall be implemented during the construction of the development.
  
6. In carrying out the development hereby permitted, between the hours of 8.30 and 9.15 am and 3.15 and 4.00 pm there shall be no vehicle movements to or from the application site in connection with construction work being carried out on the site, nor shall the contractor permit any vehicles associated with the development at the site to be laid up, waiting, in Lyne Lane or Longcross Road during these times.
  
7. The School Travel Plan Version 3 dated July 2014 shall be updated prior to and implemented on the first occupation of the development hereby permitted. The updated plan shall include provisions for the plan to be maintained, monitored and developed in accordance with details for its review which have first been submitted to and approved in writing by the County Planning Authority.
  
8. The development hereby permitted shall not be occupied unless and until the parking restrictions as generally shown on drawing number TSP/DHP/P2550/14 (Appendix F of the revised Transportation Statement dated July 2014) have been designed and fully implemented.
  
9. The development hereby permitted shall not be occupied unless and until the improvements to the Church Car Park as shown generally on drawing number TSP/DHP/P2550/11 revision

B (Appendix E to the revised transportation statement dated July 2014) have been subject to detailed design and fully implemented

10. The applicant shall ensure the operation of a walking bus to and from the car park of the adjoining church at all morning and afternoon school drop off and pick up times.
11. The development hereby permitted shall not be occupied unless and until details of,
  - a.) a replacement for the walnut tree at the front of the school site to be felled as part of the development proposals and
  - b.) a replacement hedge along the site's frontage to Lyne Lanehave been submitted to and approved in writing by the County Planning Authority. The submitted details shall include planting plans; written specifications for operations associated with tree or shrub planting, schedules of trees shrubs and plants noting species, sizes positions and proposed numbers / densities and an implementation programme.
12. Replacement tree and hedge planting in accordance with the details approved pursuant to condition 11 above shall be carried out no later than in the first planting season after the first occupation of any part of the development or in accordance with the programme approved under that condition, whichever is the later. Thereafter those features shall be maintained for a period of five years. Such maintenance shall include the replacement of any tree or shrub which is removed, uprooted or destroyed or dies or becomes in the opinion of the County Planning Authority seriously damaged or defective. The replacement shall be of the same species and size and in the same location as that originally planted.
13. The development hereby permitted shall not be commenced unless and until details and samples of the proposed materials to be used on the external surfaces of the buildings proposed have first been submitted to and approved in writing by the County Planning Authority. Only the approved details shall be implemented.
14.
  - a.) Before any equipment, machinery or materials are brought onto the site for the purposes of carrying out the development hereby permitted, protective fencing in accordance with the details contained in Appendices C and E of the Arboricultural Method Statement dated 03/02/14 submitted with the application shall be installed and shall thereafter be maintained until all equipment, machinery and surplus materials have been removed from the site. For the duration of works on the site no materials, plant or equipment shall be placed or stored within the protected area.
  - b.) The development shall be carried out in all respects in full accordance with all other measures to protect trees during construction set out in Appendix F of the Arboricultural Method Statement dated 03/02/14 submitted with the application.
15. The development hereby permitted shall be carried out in accordance with the precautionary measures to avoid harm to bats set out in para 5.8 of the Ecological assessment dated October 2013 submitted with the application

Reasons:

1. To comply with Section 91 (1)(a) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

2. For the avoidance of doubt and in the interests of proper planning.
3. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users pursuant to Policy MV4 of the Runnymede Borough Local Plan Second Alteration 2001.
4. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users pursuant to Policies MV4 and MV9 of the Runnymede Borough Local Plan Second Alteration 2001.
5. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, and in the interests of the residential amenities of the area pursuant to Policy MV4 of the Runnymede Borough Local Plan Second Alteration 2001.
6. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, and in the interests of the residential amenities of the area pursuant to Policy MV4 of the Runnymede Borough Local Plan Second Alteration 2001.
7. to ensure mitigation of the transport impacts of the proposal in order that the development should not prejudice highway safety nor cause inconvenience to other highway users, and in the interests of the residential amenities of the area pursuant to Policy MV4 of the Runnymede Borough Local Plan Second Alteration 2001.
- 8.
9. To ensure mitigation of the transport impacts of the proposal in order that the development should not prejudice highway safety nor cause inconvenience to other highway users, and in the interests of the residential amenities of the area pursuant to Policy MV4 of the Runnymede Borough Local Plan Second Alteration 2001.
10. to ensure mitigation of the transport impacts of the proposal in order that the development should not prejudice highway safety nor cause inconvenience to other highway users, and in the interests of the residential amenities of the area pursuant to Policy MV4 of the Runnymede Borough Local Plan Second Alteration 2001.
11. In the interests of the visual amenities of the site and area pursuant to Policy NE12 of the Runnymede Borough Local Plan Second Alteration 2001.
12. In the interests of the visual amenities of the site and area pursuant to Policy NE12 of the Runnymede Borough Local Plan Second Alteration 2001.
13. In the interests of the character and appearance of the site and area and to secure a high quality of design pursuant to paras 17 and 58 of the National Planning Policy Framework 2012.
14. In the interests of the visual amenities of the site and area pursuant to Policy NE12 of the Runnymede Borough Local Plan Second Alteration 2001.

15. To minimise the risk of harm to European Protected Species, pursuant to Policy NE20 of the Runnymede Borough Local Plan Second Alteration 2001.

Informatives:

1. The attention of the applicant is drawn to the requirements of Sections 7 and 8 of the Chronically Sick and Disabled Persons Act 1970 and to Building Bulletin 102 'Designing for disabled children and children with Special Educational Needs' published in 2008 on behalf of the Secretary of State for Children, Schools and Families, or any prescribed document replacing that note.
2. This approval relates only to the provisions of the Town and Country Planning Act 1990 and must not be taken to imply or be construed as an approval under the Building Regulations 2000 or for the purposes of any other statutory provision whatsoever.
3. The County Planning Authority confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.
4. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or is being built. Planning consent for a development does not provide a defence against prosecution under this Act.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity during this period and shown it is absolutely certain that nesting birds are not present

5. Details of the highway requirements necessary for inclusion in any application seeking approval of reserved matters may be obtained from the Transportation Development Control Division of Surrey County Council.
6. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover or to install dropped kerbs. Please see [www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs).
7. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
8. A pedestrian inter-visibility splay of 2m by 2m shall be provided on each side of the access, the depth measured from the back of the footway and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.

9. Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.
10. The applicant is advised that the County Planning Authority and County Highway Authority consider that the applicant should seek to secure a formal agreement to secure the use of the village car park by parents and as a base for walking bus and/or park and stride arrangements promoted through the school's travel plan.
11. The applicant's attention is drawn to the fact the proposed culverting of the ditch running through the site requires the separate grant of Land Drainage Consent, which should be sought from the County Council through the Flood and Water Services Manager, Merrow Depot, Merrow Lane, Guildford GU4 7BQ

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**CONTACT**

Mr C Northwood

**TEL. NO.**

020 8541 9438

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**BACKGROUND PAPERS**

The deposited application documents and plans, including those amending or clarifying the proposal, responses to consultations and representations received as referred to in the report and included in the application file and the following:

Government Guidance: National Planning Policy Framework 2012

The Development Plan: Runnymede Borough Local Plan Second Alteration 2001

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## Supporting Statement

### Proposed expansion of Lyne and Longcross to become a 1 form entry Primary School from September 2015

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#### The Proposal

1. Surrey County Council, in partnership with the Diocese of Guildford and the Governors of Lyne and Longcross Primary School, are proposing to expand the school from a 1 form entry infant school (capacity of 90 pupils) to a 1 form entry primary school (capacity 210 pupils) from September 2015.

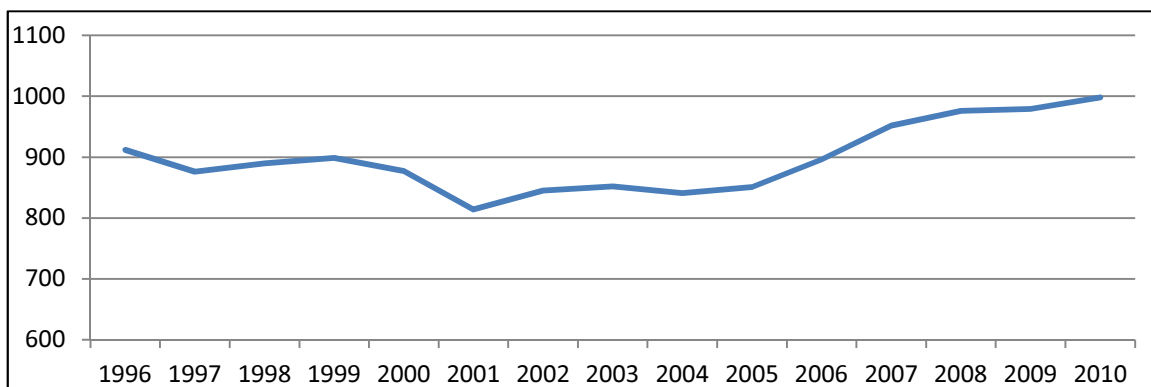
#### Planned / recent expansions

2. The Local Authority has a statutory duty to ensure that there are sufficient school places in Surrey. Demand for school places has increased significantly in Runnymede in recent years. Expansions have been recently commissioned at a number of primary schools in Runnymede including Darley Dene Infant School, Trumps Green Infant School, St Ann's Heath Junior School and Thorpe Church of England Infant School. Even with these additional reception and junior places, most primary schools in Runnymede were full in 2013 with additional demand expected in the future.
3. Further expansions are being consulted upon and are at various stages of the planning process:
  - a. The Hythe Primary School – 1 to 2 forms of entry
  - b. Sayes Court Primary School – 1 to 2 forms of entry
  - c. Lyne and Longcross – proposal to expand from 1fe infant to 1fe primary school

#### Need for additional school places – Overview of Runnymede

4. There are a number of different factors that can affect the demand for school places in an area. The most important is the birth and fertility rates in an area. Based on figures provided by the Office for National Statistics, births in Runnymede dipped from 1996 to a low point in 2001. Births then rose a little before flattening out until 2005. Births have risen since 2006 to just under a 1000. It should be noted that the recent increases in applications are unlikely to be the result of the number of births alone. There are other factors such as additional pupils from housing growth, inward and outward migration, parental preferences and the changing percentage of parents applying for independent or private provision - all of which can affect the number of applications in any given year making application yields difficult to model.

*Chart 1 – Births in Runnymede (ONS)*



- Table 1 below shows the demand profile the Local Authority is working to in Runnymede. It identifies the total number of available primary places in Reception in Runnymede (the PAN) and assumes that all of the expansions identified in paragraphs 2 and 3 are delivered (hence the increasing number of reception and junior places identified in the table). The table compares the projected pupils in reception year and Year 3 (the intake years being planned for) against the additional places being planned for. This provides an indication of whether these expansions will provide sufficient places (a negative figure in the spare column identifies a shortage of places). The projections include the estimated pupil yield from additional housing in the Borough based on the housing trajectories provided by Runnymede Borough Council.
- It should be noted that the projected number in 2013 for reception places of 849 proved to be an underestimate with about 890 children on roll at a Runnymede school in this academic year based on the 2013 Annual School Census. Consequently, the projection of year 3 places in 2016 is likely to be an underestimate as well. Despite natural fluctuations in numbers, the Local Authority is of the view that the expansion projects identified in paragraphs 2 and 3 above are required in order to meet the demand for school places in the longer term (to 2020). These plans are expected to allow for a few unfilled places which will be needed for in year applications and any potential inward migration. Should any of the projects not deliver then it is likely that there will be a pressure on school places threatening the Local Authority's ability to fulfill its statutory duties. Although 2014 numbers on roll data is not available at this stage (school census data is collected in October), it would appear from early admissions data that the projections for year R and Year 3 places as set out in the table below is broadly in line with that projected.

Table 1 - 2012 Primary Projection for Runnymede

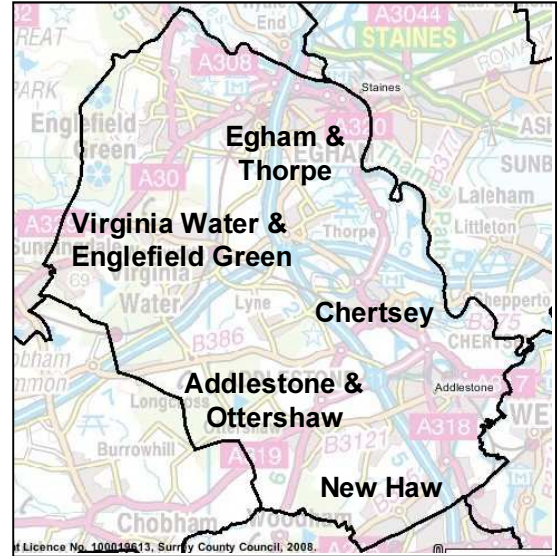
	PAN	Spare	YR	Y1	Y2	I	JunPl	JSpare	Y3	Y4	Y5	Y6	J
2011/2012	818	11	807	790	731	2328	716	-6	722	738	670	683	2813
2012/2013	848	15	833	825	785	2443	716	-7	723	717	732	666	2838
2013/2014	910	61	849	848	819	2516	782	7	775	717	709	726	2927
2014/2015	880	26	854	865	841	2560	810	1	809	767	709	703	2988
2015/2016	880	16	864	873	861	2598	840	8	832	804	760	705	3101
2016/2017	910	32	878	889	876	2643	900	43	857	833	803	760	3253
2017/2018	910	18	892	904	891	2687	870	0	870	857	831	802	3360
2018/2019	910	14	896	914	902	2712	870	-11	881	867	852	826	3426
2019/2020	910	-5	915	916	910	2741	900	11	889	876	859	845	3469
2020/2021	910	-20	930	934	910	2774	900	3	897	883	867	852	3499
2021/2022	910	-8	918	949	928	2795	900	4	896	891	874	860	3521
2022/2023	910	-5	915	937	943	2795	900	-14	914	890	882	867	3553

2023/2024	910	-4	914	934	931	2779	900	-28	928	908	881	875	3592
2024/2025	910	-2	912	933	928	2773	900	-16	916	922	899	874	3611

### Need for additional school places in the Local Area

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7. The need for places is not uniform across the Borough. The Local Authority projects the need for school places based on planning areas. Lyne and Longcross is in the Virginia Water and Englefield Green Planning Area but in practice serves a relatively dispersed catchment including pupils living in Addlestone, Ottershaw and Chertsey (see Appendix A for a map of primary schools in Runnymede and Appendix B for a map of the schools existing catchment ).



8. It is not unusual for schools to serve areas that are outside of their immediate planning areas, particularly those schools located on the periphery of a number of different town locations as in the case of Lyne and Longcross. Whilst, the number of pupils accessing the school will increase if the proposal proceeds (120 more pupils), it is unlikely that such a proposal would significantly affect the nature of the catchment area that the school currently serves as it will simply mean that parents continue at the school into KS2 provision.
9. As well as the location of pupils, there are a number of other factors that the Local Authority needs to consider when developing school organisation proposals. These are summarised below:

### SCC Policy on Primary Provision

10. Whenever there is a case to invest capital into school to meet basic need, the Local Authority will always consider opportunities to create primary provision in line with SCC policy. Primary Schools (rather than separate infant and junior provision) is the Local Authority's preferred model for education. Given the need for additional junior places there is an opportunity to create primary provision at Lyne and Longcross. The school is rated by Ofsted as a 'good' infant school but the Local Authority believes that it can continue on to become 'outstanding' as a primary school for the following reasons:



- a. Seamless transition from Key Stage 1 (infant) to Key Stage 2 (Junior)
- b. Improved pupil tracking and pupil assessment
- c. Greater opportunities for curriculum development through greater resources
- d. Better opportunities for staff CPD – better recruitment and retention of quality staff
- e. Financially more viable as a bigger school – this is a key issue as small one form entry infant schools will find it increasingly difficult to operate in the future as funding changes more closely follow numbers on roll in the future.

### **Existing pattern of school provision**

11. The majority of pupils at Lyne and Longcross infant school currently 'feed' St Ann's Heath Junior School. This proposal means that they would continue into Year 3 places at Lyne and Longcross freeing up about 30 year 3 places at St Ann's Heath. The places created at St Ann's Heath Junior School will provide junior school places for pupils currently attending Meadowcroft Infant School (identified on the map in Appendix A) who currently have no route through to Year 3 provision. In addition to the benefits to Lyne and Longcross, this proposal provides some certainty in progression routes to Year 3 provision for Meadowcroft Infant School, which will help to stabilise what is also a very small infant school. It will also link community schools together (Meadowcroft and St Ann's Heath Junior) whilst at the same time meeting the Local Authority's duty to ensure that additional Church of England school places are also provided as part of the response to basic need pressures. On this basis, the proposal is coherent within the existing pattern of schools in the area.

### **Parental Preferences**

12. These proposals are in line with what parents want. A public consultation based on the educational merits of the proposal (as distinct from planning issues) was undertaken on this proposal in November 2013. 76% of respondents agreed that more junior places are needed in the area and 91% agreed that an expansion of Lyne and Longcross is the preferable solution.

### **Additional demand from Housing**

13. The Borough Council has identified the former DERA site as a new settlement. The North site application includes proposals for up to 200 dwellings. The longer term proposal is to develop the South site as well with a further 1300 dwellings being planned. Should the south site application be approved new primary school provision will be needed to serve this new settlement but this provision is not likely to come forward for some time. In the mean time the North site development will progress (subject to the current referral to the Government Office South East) creating pressure on school places in the area in advance of the wider development. Providing additional places at Lyne and Longcross and converting the school to a primary school will help mitigate the risk of insufficient school places in the area resulting from the early delivery of the North site in relation to the south site (when new primary provision will be provided).

### **Travel and Transport**

14. With the school increasing its capacity from 90 to 210 (phased over 4 years) there will be additional traffic generated by the proposal. However, some of the additional journeys will be mitigated by the number of families that will no longer have to pick up and drop off at separate infant and junior school provision.

15. Cohorts of pupils joining Lyne and Longcross in 2011, 2012 and 2013 have been assessed to understand how many children in the infant school have older siblings. This gives an indication of how many pupils would have a sibling in another junior school and hence how many journeys would be saved assuming that parents would choose to have both siblings at Lyne and Longcross rather than picking up from separate infant and junior school provision. The true number of journeys saved by becoming a primary school will change year on year but based on a three year average, for each reception class joining the school, 11.3 pupils will have older siblings that have either left or would be leaving that would otherwise remain at the school as a primary school. On this basis and with 3 cohorts of pupils in Lyne and Longcross in Key Stage 1 (years R-2) this means that up to 34 journeys to and from infant and junior provision would be saved each day should the school become a primary school in the future.
16. This will mitigate the potential impact of the school expanding with additional measures to reduce the traffic and parking burden on local residents as set out in the School's Travel Plan. This includes proposals to share parking facilities with the local Church and to set up a walking bus to reduce the number of parents having to park near the school.

### Site Location

17. Lyne and Longcross is located in the Green Belt. The National Planning Policy Framework (NPPF) contains a general presumption against inappropriate development within the Green Belt. NPPF guidance is that such development should not be approved, except in very special circumstances. What would constitute very special circumstances is not specified by the NPPF as this is clearly related to the use of any development being proposed. The Local Authority has considered a number of different proposals to provide additional places at other schools in the local area. A summary of why these proposals are not possible / desirable is set out in the table below:

School / Site	Option	Commentary
Meadowcroft Infant School	Provide additional junior places by expanding to 1fe Primary School on existing site.	<ul style="list-style-type: none"> <li>At 4,800m<sup>2</sup>, the existing school site is considered too small for additional development in terms of playing field provision for junior age pupils.</li> <li>Although also small, Lyne and Longcross' site at 7,500m<sup>2</sup> is considered to be more viable for primary school provision.</li> </ul>
Meadowcroft Infant School	Expand school by creating a 0.5fe primary school on existing site. This would change the capacity of the school from a 90 place infant school to a 105 place primary school.	<ul style="list-style-type: none"> <li>Site would still be constrained</li> <li>Would reduce available reception places at a time when more places are needed.</li> <li>Would not attract basic need funding because it is providing minimal additional places. (e.g. it would only provide net 15 additional places because the capacity of the school</li> </ul>
Ottershaw Junior School	Provide additional junior places by creating additional junior intake on existing school site.	<ul style="list-style-type: none"> <li>Ottershaw Infant and Junior school lies in the Green Belt so any harm to the Green Belt would not be avoided through this proposal.</li> <li>However, given that it is more closely</li> </ul>

		<p>located to the urban area and more likely to be acceptable in planning terms, proposals for additional places were considered but rejected by the Diocese of Guildford and the Governing Body of the school in June 2013.</p> <ul style="list-style-type: none"> <li>• As the school land is not owned by SCC it cannot force such proposals through.</li> <li>• A 'split year expansion' where there are more KS2 places than KS1 places is educationally less coherent.</li> </ul>
<p>Pyrcroft Grange Primary School</p>	<p>Provide additional junior places by creating additional junior intake on existing school site.</p>	<ul style="list-style-type: none"> <li>• Providing additional junior places at this school would not be in line with parental preferences in the area.</li> <li>• A 'split year expansion' where there are more KS2 places than KS1 places is educationally less coherent.</li> <li>• Pyrcroft Grange lies in Flood Zone 3. Where possible development should be avoided.</li> <li>• The site is large enough for additional primary provision. The Local Authority would wish to retain this site for additional KS1 and KS2 provision in the medium to longer term should it be required as a result of Local Borough's emerging Local Plan.</li> </ul>
<p>Stepgates Primary School</p>	<p>Provide additional junior places by creating additional junior intake on existing school site.</p>	<ul style="list-style-type: none"> <li>• At 8,852m<sup>2</sup> the school is already undersize for a 1fe primary. Any further development of KS2 provision would be difficult to deliver on a constrained site.</li> <li>• A 'split year expansion' where there are more KS2 places than KS1 places is educationally less coherent.</li> </ul>

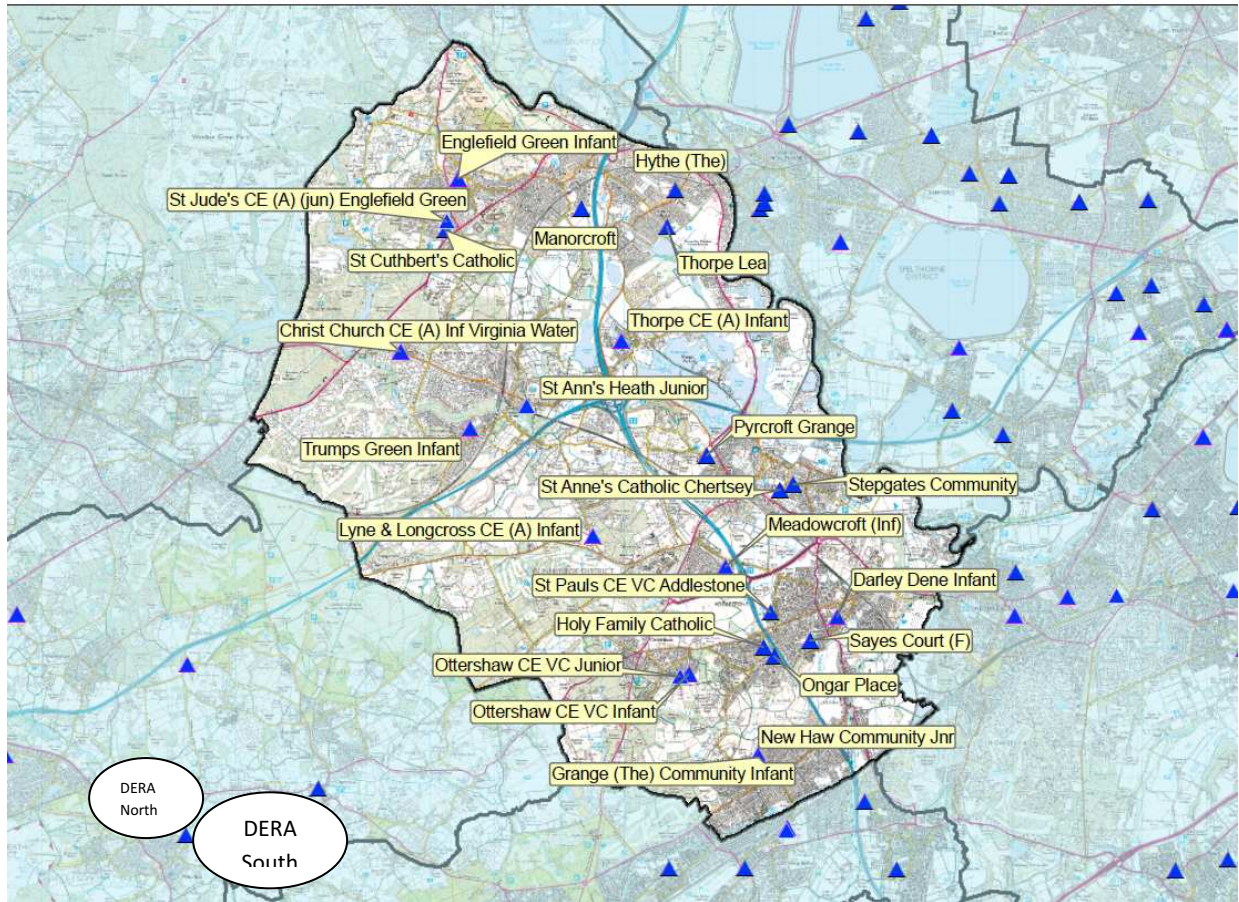
**Conclusion**

18. Officers are of the view that the additional junior places are necessary in order for the Local Authority to meet its statutory duties to provide sufficient school places. The proposal to create primary provision from a basic need case is based on school organisation principles set out in the School Organisation Plan (2012) and although the school is located in a rural area, this proposal is unlikely to change the existing catchment of the school. By creating primary provision pupils will be able to stay on at the school to access Key Stage 2 provision which will help to mitigate the additional journeys resulting from the school growing in size.

19. The proposal makes good strategic sense, is in line with parental preferences, coherent in terms of the pattern of provision elsewhere in the Borough and will strengthen and safeguard the ongoing sustainability of what is currently a very vulnerable and small infant school.

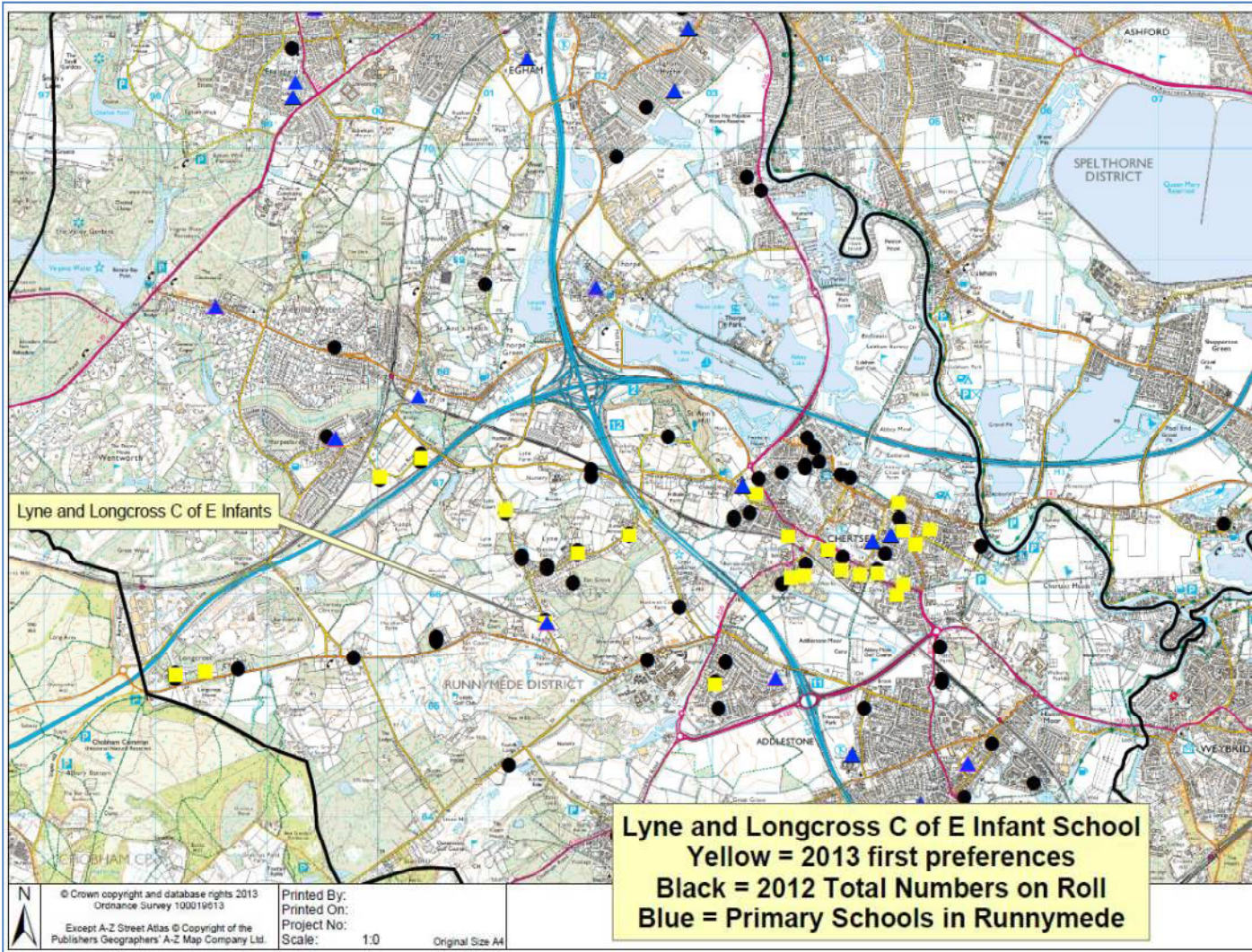
20. Whilst the school is located in the Green Belt, alternative options to meeting the additional demand have been carefully considered and are not possible/preferable for the reasons given above. Officers are of the view that the proposals are necessary and demonstrate very special circumstances outweighing the potential harm to the Green Belt.

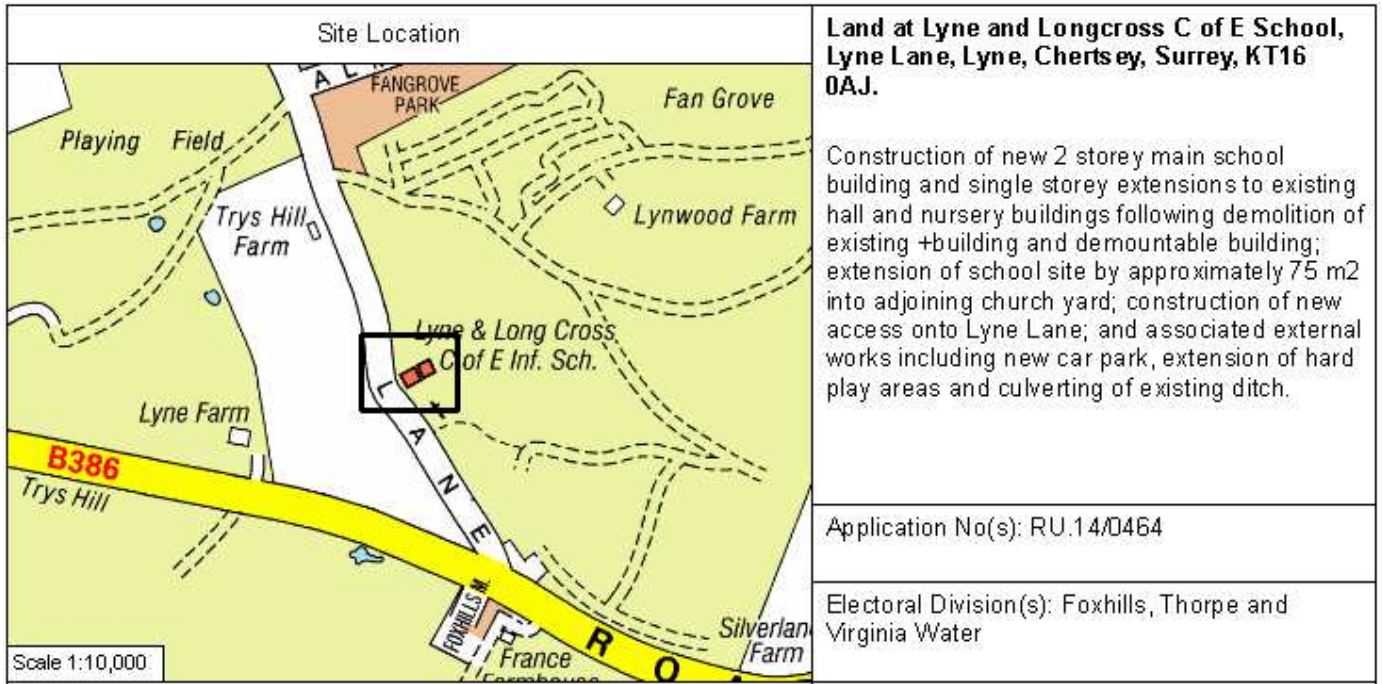
## Appendix A – Primary Schools in Runnymede



*Note: For the purposes of producing the projection, Meadowcroft Infant School is treated as being in the Addlestone/Ottershaw Planning area*

## Appendix B – School 'catchment' for Lyne and Longcross Primary School





**Land at Lyne and Longcross C of E School, Lyne Lane, Lyne, Chertsey, Surrey, KT16 0AJ.**

Construction of new 2 storey main school building and single storey extensions to existing hall and nursery buildings following demolition of existing +building and demountable building; extension of school site by approximately 75 m2 into adjoining church yard; construction of new access onto Lyne Lane; and associated external works including new car park, extension of hard play areas and culverting of existing ditch.

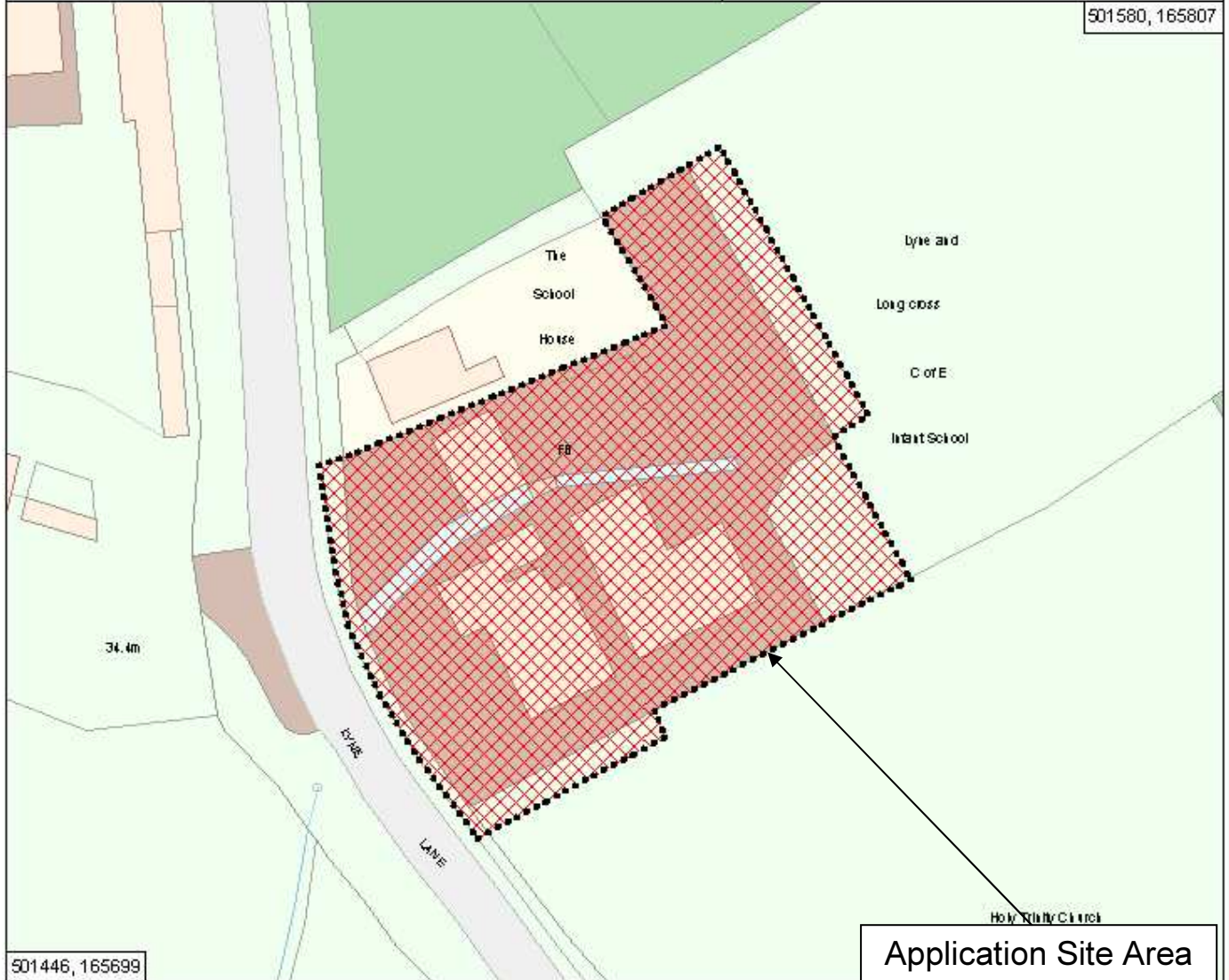
Application No(s): RU.14/0464

Electoral Division(s): Foxhills, Thorpe and Virginia Water

Scale 1:10,000

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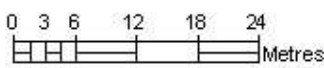
This plan is for indicative purposes only



**Application Site Area**



RefNo: SCC Ref 2014/0043  
Date printed: 02/10/2014



Scale 1:700

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## Aerial 1 : Land at Lyne and Longcross C of E School



## Aerial 2 : Land at Lyne and Longcross C of E School



Fig 1 : Existing School Building, with hall behind, viewed from South west across Lyne Lane



Fig 2 : Location for rear extension to existing hall



### Fig 3 : Location for rear extension to existing modular classroom building



Fig 4 : Existing main building and hall, viewed from rear (north)



Fig 5 : Lyne Lane, looking north from existing pedestrian entrance



Fig 6 : Lyne Lane north of school site, looking south





Fig 7 : Lyne Lane, looking South, with existing access to school site on left



Application Number : RU.14/0464

Making Surrey a better place

Fig 8 : Demountable classroom and walnut tree to be replaced,  
location for proposed vehicular access and car park



**TO:** PLANNING & REGULATORY COMMITTEE**DATE:** 15 October 2014**BY:** PLANNING DEVELOPMENT TEAM MANAGER**DISTRICT(S)** SPELTHORNE BOROUGH COUNCIL**ELECTORAL DIVISION(S):**  
**Stanwell & Stanwell Moor**  
**Mr Evans****PURPOSE:** FOR DECISION**GRID REF:** 504455 174379

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**TITLE:** MINERALS/WASTE SP/14/01125/SCC

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**SUMMARY REPORT****Land at Oakleaf Farm, Horton Road, Stanwell Moor, Surrey, TW19 6AF**

**The construction and use of a recycling, recovery and processing facility for construction and demolition waste on a site of approximately 9.4 hectares comprising: MRF building, site office and workshop; wheel wash and two weighbridges; lorry and car parking areas; storage areas; site entrance and access road; and landscaping bunds without compliance with Condition 3 and Condition 21 of planning permission ref: SP08/0992 dated 19 November 2009 to allow operations to be carried out within the MRF building 24 hours per day, 7 days per week.**

Planning permission ref.SP08/0992 was granted in November 2009 subject to conditions for the use of the land for the construction and operation of a permanent waste recycling facility for the recycling, recovery and processing of construction and demolition (C&D) waste. The approved development allows for redevelopment of the existing site by enlarging the existing compound area from 5.5ha to 9.4ha. The site compound would be subdivided into different elements. Soil recycling is to be under taken on a number of external areas to create a specialist product involving the stockpiling and processing of unprocessed and processed soils and operation of soil screening processing plant. Another area is to be used for operating a washing plant for screening out stone content form imported C&D materials.

The development also involves the construction of a new building for a Materials Recovery Facility (MRF Building) in the south eastern part of the compound area which would enable the sorting and recovery of commercial and mixed skip wastes such as plastic, wood, paper and cardboard . The operations inside the building involve the use of a variety of waste processing plant and machinery such as trommel screen, balers, conveyors and blower equipment and the provision of material storage areas. The planning permission also allowed use of a concrete crusher inside the building for processing oversize hardcore materials for the imported C&D waste. The development also comprises the construction of screening bunds around the perimeter of the site and other ancillary development such as weighbridges, workshop, site office, wheel wash and parking areas. A waste licence exists for the site limiting throughput to 251,000 tonnes per annum.

Under Section 73 of the Town and Country Planning Act 1990 the applicant is seeking planning permission to modify the wording of Condition 3 (hours of working) and 21 (lighting) of planning permission ref:SP08/0992 to vary the hours of working of the permitted Materials Recycling Facility building (MRF building) to allow machinery within the building to be operated for twenty-four hours per day, seven days per week.

This request is being made because the applicant has a waste management company interested in constructing the MRF building, but the company would need to be able to operate machinery on a continuous basis. The applicant wishes to use shredding equipment instead of the concrete crusher currently permitted under planning permission Ref: SP08/0992. The proposal is to operate shredding equipment to shred all the mixed waste coming into the MRF building to a uniform size, and the resulting material will then be sorted. With mixed waste being expensive to dispose of, very little concrete and hardcore gets in to the waste stream and therefore a concrete crusher is not needed for this operation. The building would be manned at night-time by up to four site personnel.

The hours of working controlled by planning condition limit operational activities at the site to 0700-1800 Mondays to Fridays, and 0700-1300 Saturdays which includes the MRF Building. To operate the MRF building continuously the applicant is seeking to change the hours of working that control the use of the building.

All operational activities would take place inside the MRF building during the extend hours applied for. The applicant does not seek to open the site to HGV traffic, or carry out any activity on the site outside of the MRF building, except during the hours currently permitted. Only site personnel working in the building will enter or leave the site outside the currently permitted hours.

No external lighting was proposed under the original planning application and lighting is controlled by Condition 21 of the ref.SP08/0992 planning consent. The proposal includes the submission of details of new security type lighting to be used externally to satisfy the Condition 21 for use at the site during the hours of darkness.

The applicant has submitted a noise assessment to demonstrate that the increase in night-time noise limit and 24 hour working would not cause harm to the environment or residential amenity. The applicant has also submitted assessments for both dust and lighting to demonstrate that likely issues from these impacts would not cause harm to the residential amenity. Eleven letters of representation have been received raising objection on matters of HGV traffic, noise, dust and lighting. No objections have been raised by the technical consultees on the proposal, Views are awaited from Spelthorne Borough Council planning and environmental health departments.

Officers consider that the proposal is acceptable and would not cause further harm to Green Belt; and the development should be capable of operation without giving rise to any adverse impact on amenity and environmental interests. Officers consider that planning permission should be granted in this Departure case subject to the imposition of conditions and the prior completion of a deed of variation to a Section 106 Agreement.

**The recommendation is subject to referral to the Secretary of State as a Departure and the prior completion of a deed of variation of a S106 Agreement, to PERMIT subject to conditions**

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## APPLICATION DETAILS

### ***Applicant***

Charles Morris Fertilisers Ltd

### ***Date application valid***

3 June 2014

### ***Period for Determination***

2 September 2014

### ***Amending Documents***

Letter dated 15 August 2014 from Environmental Assessment Services Limited  
Revised WBM Technical Note (Noise), dated 18 August 2014  
Email dated 26 September 2014 from Environmental Assessment Services Ltd  
Email dated 26 September 2014 from Agent responding to dust comments

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## SUMMARY OF PLANNING ISSUES

This section identifies and summarises the main planning issues in the report. The full text should be considered before the meeting.

	<b>Is this aspect of the proposal in accordance with the development plan?</b>	<b>Paragraphs in the report where this has been discussed</b>
Highways, Traffic and Access	Yes	36 – 42
Noise	Yes	44 – 66
Air Quality (dust)	Yes	67 - 87
Lighting	Yes	88 – 93
Metropolitan Green Belt	No	94 – 101
LEMP	Yes	102

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## ILLUSTRATIVE MATERIAL

### **Site Plan**

Site plan

### **Aerial Photographs**

Aerial 1 – Oak Leaf Farm boundaries  
Aerial 2 – Application site area

## Site Photographs

Figure 1 – Existing site entrance

Figure 2 – Existing site operations looking northeast

Figure 3 – Existing site operations looking East

Figure 4 – Existing site operations looking southwest towards the reservoir

Figure 5 – Existing site operations looking northwest

Figure 6 – Site layout plan

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## BACKGROUND

### *Site Description*

- 1 The application site known as Oakleaf Farm, off Horton Road, Stanwell Moor lies approximately 1 km south east of junction 14 of the M25, some 500 metres south west of London Heathrow Airport's western perimeter and approximately 75 metres north of King George VI Reservoir. The Staines reservoirs are part of the Staines Moor SSSI and South West London Waterbodies Special Protection Area (SPA) and Ramsar Site. The site lies in the southern end of the Colne Valley Regional Park.
- 2 The site lies within the Metropolitan Green Belt characterised by typical urban land uses on the fringes of southwest London. These land uses include dwellings, commercial and industrial land, common recreational land and Heathrow Airport. The application site is also located within an Air Quality Management Area (AQMA), which covers the whole of the borough of Spelthorne.
- 3 The current site is nearly 10 ha of former mineral workings under the control of the applicant, which was granted planning permission in 2009 for a permanent recycling, recovery and processing facility for construction and demolition waste (including for commercial and industrial wastes) to be built on the site. The site access lies to the east of Stanwell Moor village centre, on the southern side of Horton Road opposite a garden centre which lies on the northern side, some 100 metres to the west of the A3044 Stanwell Moor Road (dual carriageway). A public right of way, known as Haws Lane forms the southern boundary of the site, and beyond this is the reservoir. A more dense area of housing lies to the west and north west of the site, beyond an area used as paddocks, within 60-120 metres of the site boundary.

### *Planning History*

- 1 The site has a complicated planning history, with the original consent for sand and gravel extraction gained by way of three planning permissions granted in the 1960s, which required the site to be restored to an agricultural use. The infilling of the extraction area was undertaken by Charles Morris Fertilizers who also obtained planning permission in 1966 (ref. STA.P.9214) for the storage of processed organic sludge on a smaller area of the site.

- 2 The site was being used for the unauthorised import, storage and treatment of other waste materials, which led to an Enforcement Notice being issued on 23 July 1992 in respect of these unauthorised activities. Following an appeal, the Enforcement Notice was upheld with some minor amendments and was granted a long compliance period until April 1995.
- 3 In April 1995 planning permission (ref. SP95/0174) was refused for the use of 5.2 hectares of the site for the importation, storage and export of soil for a temporary period of 10 years. However, on 24 July 1996 planning permission was granted on appeal (ref. APP/B3600/A/95/256933), subject to the completion of a Section 106 legal agreement to secure the discontinuance of all uses and the completion of restoration by the end of the ten-year period (24 July 2006). In addition, this decision required the cessation of organic sludge storage and the removal of screening bunds, both of which benefited from planning permission.
- 4 In January 1997 (ref. SP96/CLD/06) an application for a Certificate of Lawful Use for the processing and storage of hardcore, concrete, tarmac planings and soil on an area of 0.18ha was refused. In September 1998 (ref. SP98/CLD/03) a further application for a Certificate of Lawful Use for processing waste concrete, hardcore and tarmac planings and storage and screening of soil on area of 0.3ha was also refused.
- 5 Condition 6 of the 1996 appeal decision requires the prior written approval of the County Planning Authority in respect to the erection on site of any buildings, fixed or moveable is required. In October 2000 (ref. SP00/0038B), the applicant gained planning permission for the stationing of a mobile snack bar and steel cabin canteen for use by site employees for a temporary period until 24 July 2006. In March 2005 (ref. SP04/01113), planning permission was also granted for the retention of two linked portacabins for use as a site office for a temporary period until 24 July 2006.
- 6 In November 2006 a planning application (ref: SP06/0626) for the continued use of the land granted on appeal (5.2ha) and an adjacent area of land (1.36ha) to the west, for the recycling of some 100,000 to 150,000 tonnes per annum of inert waste for a further period of three years was refused. The Applicant lodged an Appeal against the refusal of this planning application which was later withdrawn.
- 7 In November 2009, planning permission (ref: SP08/0992) was granted to redevelop the site for the construction and use of a recycling, recovery and processing facility for construction and demolition waste, comprising an MRF building, site office and workshop; wheel wash and two weighbridges; lorry and car parking areas; storage areas; site entrance and access road and landscaped bunds. The planning permission ref:SP08/0992 was subject to 32 conditions of which 8 conditions required the submission of further schemes for approval by the County Planning Authority (CPA). These were submitted to and approved by the CPA in 2010 under the following planning permissions:
  - Ref.SP10/0430 dated 3 August 2010 – for Condition 20 (Details of Bird Hazard Management Plan)
  - Ref.SP10/0390 dated 6 September 2010 – for Condition 25 (Method statement for controlling Japanese knotweed)
  - Ref.SP10/0278 dated 23 September 2010 – for Condition 24 (Scheme of landscaping, planting and maintenance) and Condition 26 (Scheme for the provision and management of a buffer zone alongside ditch)

- Ref.SP10/0476 dated 29 September 2010 – for Condition 29 (Details of Dust Action Plan)
  - Ref.SP10/0617 dated 29 September 2010 – for Condition 28 (Details of external materials for buildings)
  - Ref.SP10/0668 dated 20 December 2012 – for Condition 13 (Method of Construction Statement)
  - Ref.SP10/0734 dated 20 December 2012 – for Condition 27 (Scheme of surface water drainage)
- 8 In 2011 a non-material amendment to the planning permission ref.SP08/0992 was sought in order to increase the base level within the compound 21m AOD from 20m AOD. This was approved by the CPA in April 2012.

## THE PROPOSAL

### **Context**

- 9 This planning application, made under Section 73 of the Town and Country Planning Act 1990 (as amended), seeks to amend two conditions of planning permission SP08/0992 dated 19 November 2009. These are Conditions 3 and 21 which relate to the hours of working of the site, and lighting as outlined below.

### **Condition 3**

Condition 3 and the reason for the imposition are as follows;

- 3 *'No authorised operations or activities shall be carried out, and no lights illuminated, except between the following times:*

*0730 – 1800 hours Mondays to Fridays*

*0700 – 1300 Saturdays*

*Neither shall any servicing, maintenance or testing of plant be carried out between 1800 and 0700 hours nor shall any other operation or activity take place on a Sunday or any public holiday. This shall not prevent the carrying out of emergency operations, but these should be notified to the County Planning Authority'.*

Reason

*'To safeguard the environment and local amenity in accordance with the Surrey Waste Plan 2008 Policy DC3'.*

- 10 The applicant now wishes to vary Condition 3 to enable a change to the permitted hours of working of the Materials Recovery Facility (MRF) building (yet to be constructed) to allow machinery within the building to operate for twenty-four hours a day, seven days a week.



- 11 The applicant states that the reason for this application is that there is a waste management company interested in constructing and operating the MRF, but this company wishes to be able to operate machinery within the building on a continuous basis. The company's intention is to shred commercial and industrial waste recovered from the construction and demolition waste stream within the MRF to a uniform size and sort the resulting material. The materials arising from the shredding and sorting process would then be exported off site.
- 12 To carry out the shredding operation the company also wishes to be able to operate shredding equipment within the MRF building, rather than the concrete crusher currently permitted under planning permission ref.SP08/0992. The applicant states that a concrete crusher is not needed for this operation as very little concrete and hardcore gets into this waste stream due to mixed waste being expensive to dispose of. The proposal is to operate one slow speed shredder, and two fine shredders, and a variety of ballistic, optical, magnetic and trommel sorters.
- 13 The applicant does not seek to open the site to HGV traffic or carry out any activity on the site outside of the building during the extended hours. These would remain as activities undertaken between those hours already permitted by Condition 3 of the permission ref. SP08/0992. Only site personnel would enter or leave the site outside of the hours already permitted.
- 14 Condition 3 also restricts the hours of operation of lighting at the site. No external lighting was proposed under the original application for the redevelopment of the site. This proposal to vary the operating hours of the MRF would mean the building operating during the hours of darkness and this will necessitate the provision of some lighting which would be in use outside of the hours currently permitted. The applicant is now proposing new lighting for the car parking area to allow personnel to move safely between their vehicles and the MRF building. The use of lighting at the site is also controlled further by Condition 21 of ref.SP08/0992.

**Condition 21**

Condition 21 and the reason for the imposition are as follows;

21 *'No flood lighting or any form of external lighting, including security lighting other than that explicitly approved by this permission, shall be installed on the site without the prior written approval of the County Planning Authority'.*

Reason

*'To reduce the impact on visual amenities of the locality to comply with Surrey Waste Plan 2008 policy DC3'.*

- 15 As stated above, no lighting was proposed at the time of the original application. The applicant now wishes to vary Condition 21 of ref.SP08/0992 so as to enable the provision of new external lighting which will be required in the car parking area to allow the safe movement of personnel between their vehicles and the building during the hours of darkness.

- 16 The car parking area is situated to the north of the MRF building and the applicant is proposing new lighting comprising of 4 low level LED lighting bollards, 1 metre high in the car park area; and 3 LED bulkhead lights to be positioned on the northern side of the MRF building, at 1.5 metres above ground level, all as shown on plan drawing ref.1163/37B. It is proposed that the new lighting will work on sensors activated by movement.

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## CONSULTATIONS AND PUBLICITY

### ***Consultees (Statutory and Non-Statutory)***

- |    |                                       |   |                                    |
|----|---------------------------------------|---|------------------------------------|
| 17 | Spelthorne Borough Council – Planning | - | Views awaited                      |
| 18 | Spelthorne Borough Council - EHO      | - | Views awaited                      |
| 19 | The Environment Agency                | - | No objection                       |
| 20 | County Highway Authority - TDC        | - | No objection subject to conditions |
| 21 | County Noise Consultant               | - | No objection subject to conditions |
| 22 | County Air Quality Consultant – dust  | - | Further views awaited              |
| 23 | County Lighting Consultant            | - | No objection                       |

### ***Parish/Town Council and Amenity Groups***

- |    |                                      |   |                   |
|----|--------------------------------------|---|-------------------|
| 24 | Stanwell Moor Residents' Association | - | No views received |
|----|--------------------------------------|---|-------------------|

### ***Summary of publicity undertaken and key issues raised by public***

- 25 The application was publicised by the posting of three site notices and an advert was placed in the local newspaper. A total of 123 of owner/occupiers of neighbouring properties were directly notified by letter. 11 letters of representation have been received to date from neighbouring residents with regard to this proposal. Of these letters all eleven have raised objection to the proposal.
- 26 The following points are a summary of concerns raised within letters of objection to the proposal:

#### *Noise*

- There will be noise pollution from operating the MRF building 24 hours per day, seven days a week.
- The proposal will mean more unwanted noise every day, all day and all night.
- There is enough noise forced on resident's everyday from Heathrow Airport.
- The plant will not be completely silent especially in the dead of night when the faintest noise travels and there will be no respite from noise
- Cannot open windows because of noise and dust

#### *Air Quality - Dust*

- The site creates a lot of dust which is deposited onto cars and house windows.
- The MRF building will cause dust pollution 24 hours a day
- The building will not capture all dust

#### *Lighting*

- Concerns are raised over increases to light pollution
- Illuminating the car park may encourage potential unauthorised usage of the car park and the potential for vandalism

#### *General*

- No guarantee from the applicant that the use of the building for a 24/7 operation of shredding equipment will be maintained and that this will not be subsequently replaced with the concrete crusher

#### *Traffic*

- When the operation is up and running the amount of heavy traffic passing through the village would be unacceptable.
- Concern that the 24/7 operation will also increase the volume of HGV traffic to potentially dangerous levels on Horton Road and more widely in the area during the daytime and evening.
- Concern there will be increase in HGV movements that will increase noise and vehicle fumes especially in the evenings.

#### Officer note

Many of the objectors have raised concerns regarding HGV traffic in relation to this proposal. The issues raised relate to the volume, highway safety issues and pollution by HGVs. However, this proposal is not seeking to make any changes to the HGV traffic using the site from that already permitted under the planning permission (ref.SP08/0992). HGVs would continue to operate at the site under the hours already permitted: 0700-1800 Mondays to Fridays, 0700-1300 Saturdays. There would be no HGV traffic using the site outside of those hours, this would be conditioned. The proposal does not seek to increase the volume of HGV vehicle movements to the site from those already permitted, as the applicant is not proposing to increase the volume of material handled at the site which will remain as existing.

There have also a number of additional points raised which relate to enforcement matters that do not apply to this proposal.

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## **PLANNING CONSIDERATIONS**

- 27 This application is submitted under section 73 of the Town and Country Planning Act 1990 (as amended). Section 73 of the Town & County Planning Act 1990 allows planning permission to be given for development of the same description as development already permitted but subject to different conditions.

- 28 Local planning authorities can grant permission to Section 73 applications unconditionally or subject to different conditions, or they can refuse the application if they decide the original condition(s) should continue. If granted a section 73 planning application creates a fresh planning permission and leaves the existing planning permission intact. The development, which the application under section 73 seeks to amend, will by definition have been judged to be acceptable in principle at an earlier date. Section 73 provides a different procedure for such applications from that applying to applications for planning permission, and requires the local planning authority to consider only the question of the conditions subject to which planning permission should be granted, though in doing so the authority should have regard to all material considerations and determine the application in accordance with the development plan unless material considerations indicate otherwise.

### **Principles of the development**

- 29 The principles of the development for this site have already been established when planning permission ref.SP08/0992 was granted in 2009. The site has a waste management licence to handle a throughput of 251,000 tonnes per annum. The planning permission has allowed for the redevelopment of the site for the construction and use as a recycling, recover and processing facility for construction and demolition (C&D) waste. A new enlarged compound area of 9.4 hectares is to be created that would be divided into several different elements. These elements comprise of areas for a soil recycling operation using soil screening machinery. The manufacturing of specialist soil products forms the predominant activity for the Oak leaf Farm site.
- 30 Other areas comprise the recycling of C& D waste utilising a washing plant, and a concrete crusher (to be housed inside the new MRF building) to produce secondary aggregate. The 2009 planning permission also includes the construction and use of a new Materials Recovery Facility building (MRF building) that is to be constructed in the south eastern corner of the site. Activities in the building involve the use of machinery for the processing of imported mixed skip waste to separate materials such as wood, plastic, paper and cardboard that is also handled by the site. The permission allows for the use of a concrete crusher within the new building for further processing of C&D waste. In addition there is a number of ancillary development with the permission including amongst others; screening bunds, weighbridges, wheel wash office and workshop.
- 31 Under the application (ref.SP08/0992) a range of issues were assessed. The application site is in the Green Belt and the principles of this development in the Green Belt have been assessed and accepted when the planning permission ref. SP08/0992 was granted. Oak Leaf Farm is identified in the Surrey Waste Plan 2008 as a suitable site for recycling, storage, transfer, materials recovery and processing facilities under Policy WD2. Sites identified within Policy WD2 are considered to be able to contribute to regional targets for waste management and to provide a level of certainty to communities, waste collection and disposal authorities.
- 32 In addition, the planning permission ref:SP08/0992 took account assessment made of matters relating to; waste issues; traffic, transportation and access; Environmental Impact Assessment; ecology; the landscape and visual impact; air quality and dust and noise; flooding, hydrology and hydrogeology; bird strike; lighting; and contaminated land.

- 33 In granting the permission the applicant entered into A section 106 Agreement to provide long-term management of the ecological and biodiversity area to the northwest of the application site and for the facilitation in upgrading the footpath to the south of the application site to a bridleway

### **The Development Plan**

- 34 The County Council as County Planning Authority has a duty under Section 38 (6) of the Planning and Compulsory Purchase Act 2004 to determine this application in accordance with the Development Plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act 1990 (as amended) (1990 Act) requires local planning authorities when determining planning applications to “have regard to (a) the provisions of the development plan, so far as material to the application, (b) any local finance considerations, so far as material to the application, and (c) any other material considerations”. At present in relation to this application the Development Plan consists of The Surrey Waste Plan 2008; The Surrey Minerals Plan Core Strategy Development Plan Document 2011 (SMPCS DPD 2011); Spelthorne Borough Core Strategy and Policies DPD 2009, and the saved polices from the Spelthorne Borough local Plan 2001.
- 35 The National Planning Policy Framework (NPPF) was adopted in March 2012. This document provides guidance to local planning authorities in producing local plans and in making decisions on planning applications. The NPPF is intended to make the planning system less complex and more accessible by summarising national guidance, which replaces numerous planning policy statements and guidance notes, circulars and various letters to Chief Planning Officers. The document is based on the principle of the planning system making an important contribution to sustainable development, which is seen as achieving positive growth that strikes a balance between economic, social and environmental factors. The Development Plan remains the cornerstone of the planning system. Planning applications, which comply, with an up to date Development Plan should be approved. Refusal should only be on the basis of conflict with the Development Plan and other material considerations.
- 36 The NPPF states that policies in Local Plans should not be considered out of date simply because they were adopted prior to publication of the framework. However, the policies in the NPPF are material considerations which planning authorities should take into account. Due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies are to the policies in the Framework, the greater the weight they may be given).

### **Highways, Traffic and Access**

#### **Surrey Waste Plan 2008**

##### Policy DC3 General Considerations

- 37 Government policy on transport is set out in part 4 ‘Promoting sustainable transport’ of the NPPF (paragraphs 29 to 41). The NPPF recognises the important role transport policies have in facilitating sustainable development and contributing to wider sustainability and health objectives with the Government recognising that different communities will require different policies and measures, and the opportunities for maximising sustainable solutions will vary from urban to rural areas. Developments that generate significant amounts of

movements are required to be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether opportunities for sustainable transport modes to avoid the need for major transport infrastructure (which will depend on the nature and location of the development) have been taken up; can suitable and safe access for all people be achieved; and can cost effective improvements be undertaken within the transport network to limit significant impacts of the development, with development only being refused on transport grounds where residual cumulative transport impacts are severe.

- 38 Policy DC3 of the Surrey Waste Plan 2008 states that planning permission for waste related development will be granted provided it can be demonstrated by the provision of appropriate information to support a planning application that any impacts of the development can be controlled to achieve levels that will not significantly adversely affect people, land, infrastructure and resources. The information supporting the planning application must make assessment of impacts of traffic generation, access and suitability of the highway network in the vicinity and for proposals to demonstrate that there would be no adverse impacts from such matters on local amenity and the local environment.
- 39 The principles of the development on matters relating to highways, traffic and access were assessed and have been accepted when planning permission ref SP08/0992 was granted in 2009. Under this application to change the hours for operating the MRF building there are no changes proposed to the hours or an increase in operating capacity permitted for HGVs using the site. The applicant states that there is no intention to open the site to HGV traffic except during the hours currently permitted. The HGVs using the site would continue to operate within the permitted working hours for the site; 0700 – 1800 Mondays to Fridays and 0700 – 1300 Saturdays and to the existing movements already permitted under the planning permission (ref.SP08/0992) which are established by the waste management licence that controls the waste handled at the site to 251,000 tonnes per annum.
- 40 During the extended hours of operation applied for the MRF building would be manned and the applicant states that it would only be those site personnel working in the building that will enter or leave the site outside of the currently permitted hours. The applicant proposes that up to 4 site personnel would be required to work at the site during the additional hours of working being applied for. These site personnel would arrive and leave the site by cars which would be parked in the car park located on the northern side of the MRF building.
- 41 As stated above, the applicant does not propose to open the site to HGV traffic outside of the hours that had been permitted. The control of HGV movements is secured by several planning conditions under the planning permission ref.SP080992. One of the conditions includes the control of HGV movements through Stanwell Moor village. This is based on no more than 8 inbound on HGV movements accessing the site from Stanwell Moor per hour (90 inbound HGV movements in any one weekday/ 50 inbound HGV movements in any one Saturday). Those same requirements along with the other conditions relating to HGV movements would be brought forward by planning condition under any new planning permission.

- 42 The County Highways Authority (CHA) have assessed the application and does not raise objection to the proposal. However, the CHA has recommended that in interests of local amenity the imposition of a further planning condition restricting hours of delivery and also loading and unloading in relation to HGVs using the site if any new planning permission were minded to be granted.
- 43 The current proposal is not proposing to change HGV movements permitted for the site and other than the recommendation of a further condition restricting HGVs, the County Highway Authority has not requested any further mitigation measures in relation to the proposal on highway matters. Officers therefore conclude that on highways and traffic matters that the proposal is acceptable and consistent with the aims and objectives of the NPPF and development plan policies relating to such matters.

**Environmental and Amenity Issues**

**Surrey Waste Plan 2008**

Policy DC2 Planning Designations

Policy DC3 General Considerations

**Spelthorne Borough Local Plan 2001**

Policy RU11 Safeguarding Sites of Nature Conservation Importance

**Spelthorne Borough Core Strategy and Policies Development Plan Document February 2009**

Strategic Policy SP6 - Maintaining and Improving the Environment

Policy EN3 - Air Quality

Policy EN11 - Development and Noise

Policy EN13 - Light Pollution

- 44 This section of the report deals with environmental and amenity matters under the headings noise, dust and lighting. Some of the development plan policies listed above relate to one or more of the topics.

**Noise**

- 45 The NPPF expects that the planning system should contribute to and enhance the natural and local environment by “preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution” (paragraph 109).
- 46 Paragraph 122 of the Framework advocates that in ensuring that the site is suitable for its new use local planning authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. It goes on to state that the local planning authority should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

- 47 In Paragraph 123 of the NPPF it is stated that planning policies and decisions should aim to: avoid noise from giving rise to significant adverse impacts on health and quality of life as a result from new development; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.
- 48 Surrey Waste Plan 2008 Policy DC3 (General Considerations) requires that information be submitted to accompany a planning application which demonstrates that any impacts of the development with regard to noise can be controlled to achieve levels that will not significantly affect people, land, infrastructure and resources.
- 49 Spelthorne Borough Core Strategy and Policies Development Plan Document February 2009 Policy EN11 (Development and Noise) seeks to minimise the impacts of noise and sets out a series of criteria by which to achieve this including measures to reduce noise to acceptable levels and ensuring provision of appropriate noise attenuation measures.
- 50 Surrey County Council has produced its own noise guidelines, "Guidelines for Noise Control: Minerals and Waste Disposal", 1994, by which waste development should comply with. The guidelines recognise that waste related activities raise possible noise problems from their operation as sites for transfer, treatment or processing of waste will normally be located in urban areas. Tables 6 and 7 set out noise limits for site preparation and site operation activities. The guidelines also state that every effort should be made to operate the site so as to minimise noise at all time.
- 51 The principles of the development in terms of noise impacts were assessed and accepted when planning permission ref.SP08/0992 was granted. The development permitted involves a number of noise generating activities including the use of soil screeners and the use of new plant and equipment including a wash plant, the MRF, a baler and a concrete crusher. The screeners and wash plant would operate outdoors and the remaining equipment being housed within the MRF building. The applicant recognised the need to minimise and attenuate noise from the application site and the activities to be undertaken and consequently proposed to construct new screening bunds around the perimeter of the new enlarged compound area. The screening bunds also form part of the approved development (ref.SP08/0992) and are to be constructed 8 meters in height along the northern western and eastern boundaries of the site; and 6 metres along the southern boundary adjacent with the Right of Way.
- 52 Oak Leaf Farm is identified within the Surrey Waste Plan 2008 Policy WD2 for recycling however one of the Key Development Criteria is that the level of activity proposed should be similar to that currently experienced at the site and that "concrete crushing was not considered an appropriate process at this location". In assessing that application (ref.SP08/0992) it was therefore important for the planning authority to be satisfied that the applicant demonstrated that noise levels and activities that could create noise will not give rise to a significant adverse impact and harm to residential amenity



- 53 The applicant provided a noise assessment as part of the original application (ref.SP08/0992) in 2008 which made an assessment of the calculated operational noise levels for the site taking into consideration the screening bunds as noise attenuation measures and a MRF building to house the concrete crusher, a baler and the MRF processing equipment such as a trommel screen, blower equipment and conveyor. The calculated operational noise levels were based on a worse case scenario in that all plant and equipment was considered as operating simultaneously and for 100% of the assessment period. The assessment concluded that the calculated site noise levels for the worst-case scenario (all equipment and machinery operating 100% of the time) would be in the range of 46 to 52 dB LAeq. This includes the use of the concrete crusher. These levels fall within the BS 4142 limit of LAeq = LA90 5dB(A) and also fall within the noise limits previously set for the site as required by the key development criteria set out within the Surrey Waste Plan 2008.
- 54 From the calculations undertaken by the County Noise Consultant, he concluded that the proposal would meet the noise criteria, although recommended that the site noise limit should be 55 LAeq for the properties 121 to 149 in Horton Road and 47 LAeq for Pegasus Stables and the other housing to the west of the site which are not significantly affected by traffic on Horton Road. In granting planning permission in 2009 noise limits for the site have been secured by planning condition imposed on the 2009 consent. The requirements of the existing conditions for noise would be brought forward under any new planning permission if permission were minded to be granted along with the requirements of any new planning condition controlling night time noise limits from the site.
- 55 The applicant now wishes to change the type of machinery used inside the building from concrete crusher to shredding equipment and a variety of ballistic, optical, magnetic and trommel sorters. They have stated that they would no longer require the use of a concrete crusher and instead wish to use shredding equipment inside the building, although the shredding machinery would require to operate on a continuous basis which would mean 24 hours a day 7 days a week. This application seeks to vary the "*Hours of Working*" controlled by planning Condition 3 imposed under the planning permission ref.SP08/0992 to allow the MRF building to operate on a 24/7 basis.
- 56 The application proposes to operate one slow speed shredder and two fine shredders instead of a concrete crusher. They state that the intention is to shred all the commercial and industrial waste coming into the MRF building to a uniform size, and the resulting material will then be sorted. Products that can be reused, or sent for further processing will be taken off site, and residue materials being taken to an appropriately licensed landfill. The application states that with mixed waste being expensive to dispose of, very little concrete and hardcore gets into this waste stream, and accordingly a concrete crusher is not needed for this operation. This proposal is therefore assessed on the basis that there will be no longer a concrete crusher at the site.
- 57 The MRF building (yet to be constructed) is located in the south eastern corner of the site with the main openings in the east elevation and southern elevation. The building has dimensions of 110m in length, 45m in depth and a maximum height of 10m. The three main openings have dimensions of 5 m by 5m.

- 58 Under Condition 3 of the permission (ref.SP08/0992) the hours of working are limited to 0700-1800 Mondays to Fridays and 0700-1300 Saturdays. The noise limits for the site are set out in Condition 17 of the planning permission ref. SP08/0992. Condition 17 states that *“Noise levels arising from the development hereby permitted shall not exceed the level of 55 LAeq (½ hour) measured at, or recalculated as at, a height of 1.2m and at least 3.5 m from the facade of the properties 121 to 149 Horton Road or 47 LAeq (½ hour) measured at, or recalculated as at, a height of 1.2m and at least 3.5 m from the facade of the noise sensitive locations at Pegasus Stables or the properties in Hither moor Road.”*
- 59 Under this proposal there are periods such as evenings, night-times, Saturday afternoons and further restrictions on Sundays and public holidays that are not covered by Condition 3 and subsequently the corresponding noise limits imposed by Condition 17. The proposal does not seek to bring activities closer to residential properties but does involve changes to activities inside the building over the extended night-time hours and daytime weekend hours applied for. The application therefore needs to be assessed to ensure that the proposal does not result in adverse effects on residential amenity from noise generated by the operation of the MRF building and the shredding equipment inside the building twenty-four hours per day, seven days per week.
- 60 Objections from local residents have been received referring to impacts of noise from existing activities in the area especially from the nearby Heathrow Airport and referring to an increase in noise since construction of the site has begun, and objecting to any further activities at the site at night-time. The County Council has not received any complaints in relation to noise since the 2009 planning permission was granted, although complaints on dust have been received. Matters relating to dust issues will be addressed in a separate section of this report.
- 61 The applicant has submitted a noise assessment with this planning application which assesses the potential noise implications of the changes proposed. The assessment includes a new noise survey undertaken in April 2013 and calculated noise levels at the three receiver locations (2 on Horton Road and on at Pegasus Stable), using the same approach to the calculations as for the noise assessment for the 2009 planning permission for both daytime and night-time periods. The calculations have been based on the use of the proposed shredding machinery instead of a concrete crusher inside the MRF building and taking account of the acoustic mitigation measures for the site.
- 62 The County Noise Consultant has been consulted on the application and raised a number of concerns regarding the noise assessment first provided with application. There were elements where the noise calculations provided had been based on substitute data and certain assumptions had been made. It was therefore considered necessary that a more robust noise assessment should be provided to demonstrate that the proposal for the building operating on a 24/7 basis can strictly meet night time noise limits taking into account; the exact construction specifications/materials of the building in order that the acoustic insulation properties of the building can be demonstrated for when the building is operating at night time; that noise calculations are based on confirmed/exact noise specifications for the single slow speed shredder type machinery that is to be used in the building; and taking account of the acoustic performance of any ventilation system that will be required for the building during use especially when the doors are closed at night time.

- 63 Subsequently the applicant submitted a revised noise assessment dated August 2014 that provides further detailed work of the sound insulation properties of the building, noise calculations of the specific type of slow speed shredder to be used, and assessment of the acoustic performance of a ventilation system for the MRF building with which to address the concerns raised by Officers.
- 64 The calculated noise levels for the daytime period incorporate shredding equipment instead of concrete crushing inside the MRF with the three main doors are open (a requirement of the sites approved dust action plan for the daytime working) and the other site activity as previously tested in 2008. The revised noise assessment concludes that for the daytime hours the calculated noise levels for operating shredding equipment in substitute of a concrete crusher at the identified three receiver locations (2 at Horton Road and Pegasus Stables) would be within the range of 47 to 50 dB LAeq which is within the permitted daytime site noise limits for the site that have a range of 47 to 55 dB LAeq.
- 65 For the calculated site noise levels for the night-time period, the assessment is made on the basis that the doors to the building would be closed at night and outside the hours currently permitted hours of operation, with no external activities at these times. The noise assessment concludes that the night-time noise limits at the three assessment positions would be in the range 28 dB LAeq (at Pegasus Stables) to 35 dB LAeq (at the properties in Horton Road)
- 66 The County Noise Consultant has assessed the revised August 2014 noise report and considers the noise assessment is more robust with figures properly derived, and building cladding and ventilation acoustic specification properly defined as is also the types of shredding plant to be used. He considers the noise measurements to be correct and accepts the values and the derived night time limits accord to the Surrey Noise Guidelines, and is of the opinion that that proposal would meet night-time noise criteria. He has however recommended an adjustment to the night-time noise limits and suggests that a lower limit set of 33 LAeq value for the Horton Road residence and limit set for Pegasus Stable at 28 LAeq. The County Noise Consultant raises no objection to the proposal and recommends the imposition of a condition to limit night-tie noise limits which is to be in addition to existing conditions controlling noise levels.
- 67 In conclusion Officers consider subject to the controls through the existing planning conditions being maintained, and the addition of a planning condition to secure night-time noise limits the proposal is acceptable in noise terms for continuous operations and that the proposal is in accordance with relevant development plan polices and Government guidance and policy in the NPPF and NPPG.

### **Air Quality (dust)**

- 68 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to unacceptable levels of air pollution. To prevent unacceptable risks from pollution planning decisions should ensure new development is appropriate for its location and that the effects (including cumulative effects) of pollution on health, the natural environment or general amenity should be taken into account and account taken of the potential sensitivity of the area to adverse effects from pollution (NPPF paragraph 120). In

relation to dust emissions, policy in the NPPF is that unavoidable dust emissions should be controlled, mitigated or removed at source.

- 69 PPS 10 Annex E identifies air emissions, including dust, as an issue needing to be considered when assessing the suitability of a site as a location for waste development and refers to the proximity of sensitive receptors and the extent to which adverse emissions can be controlled. Guidance in paragraph 32 of PPS10 is that where a waste management facility requires an environmental permit from the pollution control authority it shouldn't be necessary for planning conditions to be used to control the pollution aspects of the development.
- 70 Paragraph 122 of the Framework goes on to advise that when considering development proposals the local planning authority should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.
- 71 Policy DC3 of the Surrey Waste Plan 2008 states that planning permission for waste related development will be granted provided that any impacts of the development can be controlled to achieve levels that will not significantly affect people, land, infrastructure and resources. Matters such as the release of polluting substances to the atmosphere, and adverse effects on neighbouring amenity including fumes and dust, should be assessed and where necessary, appropriate mitigation should be identified so as to minimise or avoid any material adverse impact and compensate for any loss. The whole of Spelthorne Borough is designated as an Air Quality Management Area (AQMA) due to levels of nitrogen dioxide, mainly attributable to road traffic and Heathrow Airport. The AQMA does not apply to PM<sub>10</sub> particulate matter. For particulates the main areas are adjoining the M25 and Heathrow Airport. Air quality from existing mineral workings and landfill sites in the borough are not identified as a source of emissions and concern in terms of air quality.
- 72 Policy SP6 (Maintaining and Improving the Environment) of Spelthorne Core Strategy seeks to maintain and improve the quality of the environment within the borough by ensuring development proposals contribute to improving air quality. Policy EN3 (Air Quality) sets out a series of criteria to assist in the improvement of air quality within the Borough. To minimise harm from poor air quality the criteria state there would be support for appropriate measures to reduce traffic congestion where it is a contributor to existing areas of poor air quality; that an air quality assessment will be required where development is proposed in an AQMA and is for non-residential uses of 1000m<sup>2</sup> or greater; refusing development where the adverse effects on air quality are of a significant scale, either individually or in combination with other proposals; and refusing development where the adverse effects of existing air quality on future occupiers are of a significant scale which cannot be appropriately or effectively mitigated.
- 73 The potential impacts from dust of the construction and operation of this recycling, recovery and processing facility were assessed and considered acceptable when the principles of the development were established when planning permission ref.SP08/0992 was granted in 2009.

- 74 The activities undertaken at the site have the potential to cause dust. At the time of the application ref.SP08/0992 the applicant put forward a number of mitigation measures to reduce any fugitive dust emissions arising from the site. Screening bunds would be constructed around the perimeter which would be seeded. Material brought into the site for processing and subsequently processed material will be placed in stockpiles no greater than 6m in height adjacent to the bunds as these will provide shelter from winds and reduce the potential for dust emissions; and the soil screeners within the centre of the site are to be shrouded. The concrete crusher is to be located within the MRF building alongside the MRF itself. The MRF building would have four doors of which only two would be operational with the two remaining doors to be used as emergency exits only. The main doors to the building were subsequently reduced to three doors.
- 75 The building would be situated in the southeast corner of the site, which is the point furthest away from residential properties and the two operational doors are located out of the prevailing winds and off-set from each other on the east elevation and southern elevation of the MRF building. The operational doors will not need to remain shut on noise grounds and the bunds to the south will provide shelter from prevailing winds. The applicant stated that the design will assist in minimising the amount of fugitive dust emissions from the activities proposed to be carried out inside the MRF building. Additionally the concrete crusher will be fitted with a fine water spray on the conveyor belt to dampen the crushed aggregate as it leaves the crusher.
- 76 The closest receptors to the site are the Stables located on Hithermoor Road approximately 10m to the west; properties located on Glenhaven Drive located approximately 35m to the northwest of the site; and residential properties Yellowstocks and Kestrel and the Vermeulen Garden Centre all located to the northeast of the site approximately 35m, 45m and 53m respectively from the site.
- 77 The Air Quality Assessment found that the most sensitive receptors to potential dust emissions from the proposal are Yellowstocks, Kestrel and the Vermeulen's Garden Centre due to these receptors being located down wind from the application site and being based on a worse case scenario of all operations being carried out at the same time. The Assessment found that there is potential for dust to impact at both these two receptor locations on average every other week. However, the receptors are approximately 100m away from the stockpiles and over 200m away from the soil screeners and are outside of the distance at which dust is considered likely to be deposited and as such the assessment concludes that dust nuisance is unlikely to occur at these locations. Whilst the stables and residential properties located on Glenhaven Drive would be closer to the operational activities proposed at the site, these receptors would be screened from the activities by the bunds. Additionally neither receptor are located within the prevailing wind direction therefore the conditions experienced are less suitable to transporting the larger dust particles and consequently there is greater potential for dust to be deposited before it reaches the receptor.
- 78 The County Dust Consultant assessed the dust assessment provided by the applicant and raised no objection to the proposal provided that a Dust Action Plan (DAP) be submitted for approval providing information on agreed trigger levels, details of the recording system and complaint handling system proposed; details of the on-site sprinkler system and wind speeds that would cause the system to activate. In granting the 2009 planning permission

there were several planning conditions imposed on the consent for controlling dust at the site, including the submission for approval of the recommended DAP.

- 79 A Dust Action Plan (DAP) was submitted and approved in 2010 which sets the dust control measures for the site. The DAP identifies the dust generating activities at the site which includes operations undertaken in the MRF building. The measures that are employed at the site to minimise and control dust nuisance arising from the MRF building comprise: the building will be located in the southeast corner of the site and the doors will be off-set from each other and located out of the prevailing wind, which is from the southwest; the doors to the MRF building will open on to the bunds, which will shelter the building from the wind; and the concrete crusher will have a fine water spray on the conveyor belt to dampen the crushed aggregate as it leaves the crusher. Under both the 2009 planning permission and the approved DAP no additional ventilation system was proposed for the building, as the measures approved under the original planning application and set out in the DAP were considered sufficient for controlling dust emissions from the building.
- 80 The applicant now wishes to change the type of machinery used inside the building from concrete crusher to shredding equipment and a variety of ballistic, optical, magnetic and trommel sorters and these operation have the potential to cause dust.
- 81 In making this application the applicant considered that the key issue byway of the proposal would be the likely impacts from noise and the details submitted to support the proposal had been structured around the submission of a noise assessment report, discussed in detail above.
- 82 At the time no assessment of the likely risk of dust emissions from operating the building during the extended hours applied for had been made. Objections received on the proposal from local residents refer to dust nuisance from the existing operations at the site, with dust being experienced on cars, windows and washing. The County Council received two complaints during May and July 2012 for dust in relation to the site. The concerns were investigated by Enforcement officers at the time and it was found that the operator, although had been following the requirements of the measures set out in the DAP, an issue had occurred causing a delay in the instillation of an extension to the external water spray system for dampening the construction of the new western bund although this had subsequently been rectified. The later concern queried if the site had dust mitigation measures in place as the area was experiencing a dry period. Officers are not aware of any further complaints of dust since the 2009 permission was granted. The site operator has circulated contact details to neighbouring residents for them to contact the site directly with which to raise any concerns from the site operations so that they can be addressed without delay.
- 83 During consultation and assessment of the noise assessment report it was identified within the assessment that, in order that the proposal could meet night-time noise limits the main doors to the building would need to be shut. The noise calculations for night-time noise were calculated taking this into consideration. In addition the noise assessment also makes assessment of ventilation systems and fan noise on the basis that a fan/extract system plant would be required for dust control of the building to compensate for the main doors to the building being closed at night-time, which would necessary as part of the measures to control noise emissions at night-time. These would be changes required to the dust control and mitigation measures approved under the 2010 DAP.

- 84 Officers subsequently requested that the applicant should provide details on dust to support the application which assesses any changes to the dust control measures for the site that would be necessary for the proposed operating of the MRF building on a 24/7 basis and the changes to the plant machinery operating inside the building.
- 85 The applicant submitted further details for dust in August 2014. The dust assessment identifies that the air quality report supporting the original planning application for the facility in 2008 recommended controlling dust as it occurs by water sprays and a variety of operational controls to limit dust generation. The air quality report identified that dust impacts the nearest receptors will be reduced as the main potentially dust activities will be enclosed within the MRF building. The assessment also adds that, if the interior of the building retains a high dust load, an extract ventilation system will tend to blow, at least some dust out from the building. The applicant proposes two approaches to address the potential problem, 1) keep the dust load within the building down to an acceptable level so minimal dust is blown out of the building. The dust load will be controlled to some degree to protect the workforce within the building; and 2) remove dust from the airflow upstream of the fans by filtration, baffles/deposition bay and or/ electrostatic precipitation. The version of the ventilation system would of a type used in most industrial extraction systems.
- 86 The County Dust Consultant has reviewed the information on dust submitted by the applicant and commented that from the details provided it was unclear whether either of the two approaches would be adopted and requested the applicant to clarify the position. The applicant confirmed that the proposal includes the installation of both a powered ventilation system and a filtration/settlement unit that would be at ground level outside of the building. The County Dust Consultant has confirmed that proposed approach should provide a satisfactory means of removing the dust from air leaving the building, although has recommended the imposition of a planning condition requiring the details of the proposed 'filtration/settlement unit at ground level outside the building at ground level to be submitted to the planning authority for approval. The County Dust Consultant also advises that DAP approved in 2010 will require some small amendments to address differences for dust control measures for the extended hours of operation being applied for.
- 87 This application made as Section 73 application seeks to vary the Conditions 3 (hours of working) and Condition 21 (details of lighting) only. Whilst it has been necessary for the applicant to identify further control measures for dust mitigation, the precise details of control cannot be agreed at this stage. The planning conditions imposed on ref.SP08/0992 relating to dust would be brought forward under any new consent if any new planning permission were minded to be granted. A planning condition would imposed requiring the submission of a revised DAP that is to include for approval by the County Planning Authority details of the dust ventilation system proposed and the changes to the way the mitigation measures are to be implemented during the additional hours. The revised DAP would be required to be approved prior to the commencement of any operations in the MRF building.
- 88 In conclusion Officers are satisfied that with the dust control measures in place for Oak Leaf Farm, and secured by planning condition and subject to the imposition of the condition for a revised Dust Action Plan, the operation of MRF building including the use of shredding equipment and at night-time would not give rise to significant adverse effects from dust, and the proposal is in accordance with relevant development plan policies and

Government guidance and policy in the NPPF and NPPG and PPS10 on dust impacts from this type and scale of waste facility.

## Lighting

- 89 Policy DC3 (General Considerations) of the Surrey Waste Plan 2008 states that planning permission for waste related development will be granted provided it can be demonstrated by the provision of appropriate information to support a planning application that any impacts of the development can be controlled to achieve levels that will not significantly adversely affect people, land, infrastructure and resources. The policy outlines that information, relevant to the proposal, must be supplied providing an assessment and mitigation measures for a number of criteria. Criteria (ix) of the policy relates to glare.
- 90 Spelthorne Borough Core Strategy and Policies Development Plan Document February 2009 Policy EN13 (Light Pollution) states that the Council will seek to reduce light pollution by: (a) encouraging the installation of appropriate lighting; and (b) only permitting lighting proposals which would not adversely affect amenity or public safety and require the lights to be: (i) *appropriately shielded, directed to the ground and sited to minimise any impact on adjoining areas*; and (ii) *of a height and illumination level of the minimum required to serve their purpose*.
- 91 At the time of the original application (ref.SP08/0992) no external lighting was proposed and Condition 21 was imposed on the consent which controls external lighting. The application states that the proposed operation of the MRF building during the hours of darkness will necessitate lighting in the car park area to permit site personnel to move safely between their cars and the building. That car parking area is to the north of the MRF building and it is proposed that low level lighting bollards, 1 meter high would be installed in this area in addition to bulkhead lights on the MRF building itself which would be at 1.5 meters above ground level. The lights will work on sensors activated by movement and are identified on the new plan drawing No. 1163/37B – MRF Lighting Layout dated May 2014.
- 92 The County Lighting Consultant has assessed the proposal and considers the proposed illumination levels will be relatively low, and the choice of the luminaire having only downward light will give no concern for nuisance obtrusive lighting into neighbouring residents/premises and negligible “sky glow”.
- 93 Officers are of the view that that the new lighting proposed comprising of low level bollards and bulkhead lights on the northern elevation of the building are essential for safety and security reasons that would be necessary during the hours of darkness. The County Lighting Consultant has advised that the illumination levels from the new lighting will be low and will not give concern to neighbouring residents or local amenity.
- 94 In conclusion Officers are satisfied that as the new lighting proposed is of a security type lighting that will operate on sensors activated by movement and no other lighting is proposed and taking account of the County Lighting Consultant, the operation of MRF building with the new would not give rise to significant adverse effects from light pollution, and the proposal is in accordance with relevant development plan policies and Government guidance and policy in the NPPF and NPPG.



## Green Belt

### Surrey Waste Plan 2008

Policy CW5 – Location of Waste facilities

Policy CW6 – Development in the Green Belt

### Spelthorne Borough Local Plan 2001

Policy GB1 Development Proposals in the Green Belt

- 95 Paragraph 79 of the NPPF establishes the importance of Green Belts. The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green belts are their openness and their permanence. Paragraph 87 of the NPPF states that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green belt and should not be approved except in very special circumstances. Paragraph 88 states that when considering any planning applications, local planning authorities should ensure that substantial weight is given to any harm to the Green belt, and goes on to say that 'very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 96 Planning Policy Statement 10 – Planning for Sustainable Waste Management (PPS10) states that Green Belts should be protected but planning authorities should recognise the particular locational needs of some types of waste management facilities and that these locational needs, together with the wider environmental and economic benefits of sustainable waste management are material considerations that should be given significant weight in determining whether proposals should be given planning permission.
- 97 Policy CW6 of the Surrey Waste Plan 2008 states that there will be a presumption against inappropriate waste related development in the Green Belt except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. It goes on to say that the following considerations may contribute to very special circumstances, which are the lack of suitable non-Green Belt sites, the need to find locations well related to the source of waste arisings and the characteristics of the site.
- 98 The Surrey Waste Plan 2008 in the supporting text to Policy CW6 recognises there is an immediate and acute shortfall of waste management facility capacity within the South East Region, including Surrey, and states that it is likely to be necessary to locate some waste management facilities within the Green Belt where non Green Belt sites cannot be found in order that the necessary waste management infrastructure can be delivered.
- 99 Spelthorne Borough Local Plan 2001 Policy GB1 Development Proposals in the Green Belt advises that development in the Green Belt, which would conflict with the purposes of the Green Belt and maintaining its openness, will not be permitted.
- 100 As detailed in the planning history and discussed elsewhere in this report above, planning permission ref: SP08/0992 was granted for the construction and operation of the MRF facility in 2009. It is that planning permission (ref.SP08/0992) which has established the principle for the operation of this MRF facility in the Green Belt. In the case of the extant permission, Officers accepted there to be a number of factors, which together constituted

very special circumstances that clearly outweighed the harm to the Green Belt, such that an exception to policy can be made. These factors include a need for recycling C&D waste and the other waste streams handled at the site thereby moving this waste hierarchy contributing to the county's target for aggregate recycling and towards sustainable waste management in general, and a lack of alternative sites within north west Surrey and the wider catchment area for the site. Officers do not consider that there has been any material change in the Green Belt position.

- 101 This application does not seek to change the volume or type of waste handled at the site which has a waste management licence of 251,000 tonnes per annum. The proposal seeks to make changes to the way operations for processing wastes are undertaken inside the MRF building already granted permission. No new development or activity is proposed outside of the building. The development is an existing recycling facility and the changes to the machinery to be operated within the building are being made to improve the efficiency for the processing and recycling of materials that are handled inside the building, which would towards both national and local targets towards sustainable waste management.
- 102 The very special circumstances advanced by the applicant and accepted under the 2009 planning permission for the permanent siting and operation of this recycling facility which outweigh any potential harm to the Green Belt by reason of inappropriateness still exist and are material in the case of this proposal and as such Officers conclude that an exception to policy can be made subject to referring the matter to the Secretary of State.

### **Landscape and Ecology Management Plan**

- 103 The planning permission ref:SP08/0992 was permitted on the basis that prior to the grant of the planning permission the applicant would enter into a Section 106 legal agreement to provide long-term management of the ecological and biodiversity area to the northwest of the application site and for the facilitation in upgrading the footpath to the south of the application site to a bridleway. This is Section 73 application that if permission was minded to be granted a new planning permission would be issued under a new reference number. It will be necessary for the S106 to be brought forward under any new permission and therefore if planning permission were minded to be granted a deed of variation to the S106 is to be completed prior to issuing of any new planning permission.

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### **HUMAN RIGHTS IMPLICATIONS**

- 104 The Human Rights Act Guidance for Interpretation, contained in the Preamble to the Agenda is expressly incorporated into this report and must be read in conjunction with the following paragraph.
- 105 In this case, it is the Officers view that there will be dust, noise and lighting impacts but the Officers view is that these can be controlled by condition. The scale of such impacts is not considered sufficient to engage in Article 8 1 of protocol 1. As such, this proposal is not considered to interfere with any Convention right.
-

## CONCLUSION

- 106 The proposal would allow the MRF building to operate twenty for hours per day, seven days per week. The proposal would allow for the continual processing which would improve the efficiency for the processing and recycling of materials that are handled inside the building, and contribute towards both national and local targets towards sustainable waste management and recycling of materials. The proposal would not involve any deliveries or HGV movements to the site outside of the daytime hours already permitted for the site and no other activities or operations would be undertaken outside of the building outside the day time operational hours which would remain as existing. There would be access required by site personnel outside of the hours currently permitted as the building is to be manned. The proposal would be for a maximum of four site personnel who would arrive and leave the site by car. The proposal includes some new security type light to allow these site personnel safe access between their cars and the building. This would be low level lighting to be positioned in the car park area and along the northern elevation of the MRF building operated by sensor.
- 107 The implications for extending the working hours of the MRF building and using shredding equipment instead of a concrete crusher involves the assessment of issues including traffic, highways and access, noise, dust, lighting and an assessment against Green Belt policy. Objections have been received from local residents on these issues apart from Green Belt. No objections have been received from technical consultees on these matters, subject to the continuation of the existing planning conditions and imposition of additional planning conditions where recommended being imposed on any new consent. No views had been received from Spelthorne Borough Council at the time of concluding this report.
- 108 In conclusion, here are no policy objections in relation to the impacts on local amenity in terms of highways, noise, dust and lighting. Where safeguards are required these can be secured though the imposition of conditions. The principles of the development in the Green Belt have been established when planning permission was granted 2009. Officers consider that the matters considered together with very special circumstances advanced by the applicant in 2009 to justify the inappropriate development in the Green Belt continue to apply and outweigh the harm by reason of inappropriateness and harm to openness and an exception to policy can be made. The proposal seeks to improve efficiency for the recycling of materials, which would assist the targets for sustainable waste management. Taking account of all these matters, Officers consider that planning permission should be granted in this Departure case subject to the imposition of conditions and the prior completion of a deed of variation to a Section 106 Agreement.

## RECOMMENDATION

**The recommendation is subject to referral to the Secretary of State as a Departure and the prior completion of a deed of variation of a S106 Agreement, to PERMIT subject to conditions**

### Approved Documents

1. The development hereby permitted shall be carried out in all respects strictly in accordance with the following plans/drawings:

Drawing No 1163/2C Site Location Plan dated 30.05.06  
 Drawing No 1163/6N Site Layout Plan dated January 2008  
 Drawing No 08/126/02B Proposed MRF Crushing & Bailing Building dated 30.10.08  
 Drawing No 1163/9E Bunds Sections dated September 2008  
 Drawing No 08/126/01 Proposed Office Elevations dated 30.10.08  
 Drawing No 08/126/03 Proposed Garage Elevations dated 30.10.08  
 Drawing No 1163/35 Proposed variation of condition 3 of planning permission SP08/0992 dated February 2014  
 Drawing No. 1163/37B MRF Lighting Layout dated May 2014

## Hours of Working

2. With the exception of the operation of shredding and sorting machinery as specified in the planning application within the MRF building; allowing for the access of site personnel and use of security lighting; no other authorised operations or activities permitted by planning permission Ref: SP08/0992 dated 19 November 2009 shall be carried out, and no lights illuminated, except between the following times:

0700-1800 Mondays to Fridays  
 0700-1300 Saturdays

Neither shall any servicing, maintenance or testing of plant be carried out between 1800 and 0700 hours nor shall any other operation or activity take place on a Sunday or any public holiday. This shall not prevent the carrying out of emergency operations, but these should be notified to the County Planning Authority.

3. No construction operations or activities authorised or required as approved by the planning permission Ref: SP08/0992 dated 19 November 2009 shall be carried out except between the following times:

0730 - 1700 hours Mondays to Fridays excluding Public Holidays  
 0730 - 1300 hours Saturdays

There shall be no construction working on Sundays or Public Holidays.

4. There shall be no deliveries or the loading and unloading by HGVs accept between the following times:

0700-1800 Mondays to Fridays  
 0700-1300 Saturdays

There will be none on a Sunday or any public holiday.

## Limitations

5. Only commercial and industrial and construction and demolition waste shall be imported onto the application site as outlined within the application documents submitted with planning permission Ref: SP08/0992 for handling and processing at the site and within the Materials Recycling Facility (MRF) building. All other waste shall be removed from the site and disposed of at a suitably licensed landfill.

6. The operation of shredding and sorting machinery for processing commercial and industrial waste as referred in condition 5 above shall only take place inside the MRF building as shown on plan drawing No.1163/35 Proposed Variation of Condition 3 of Planning Permission SP08/0992 dated February 2014.
7. Concrete crushing machinery shall not be operated at the site or within the MRF building at any time.
8. All processed and unprocessed waste stockpiled externally at the site, shall be stored within the areas delineated on Drawing No. 1163/6N dated January 2008. Stockpile heights shall not exceed a height of 6 metres above ground level.
9. The two profile height posts erected within the stockpiling area as delineated on Plan 1163/6N to display the profile heights and maintained for the duration of the use hereby authorised.
10. All loads entering and leaving the application site shall be sheeted.
11. Notwithstanding any provision to the contrary under Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent Order, no plant, building or machinery whether fixed or moveable other than that specifically outlined by this decision shall be erected on the application site external to the materials recovery/recycling building without the prior written approval of the County Planning Authority in respect their siting, design, specification and appearance of the installation, such details to include the predicted levels of noise emission and their tonal characteristics of any plant or machinery.

### **Traffic**

12. In accordance with the requirements of the planning permission Ref: SP08/0992 dated 19 November 2009 the existing access from the site shall first be permanently closed and any kerbs, verge, footway, fully reinstated by the applicant, in a manner to be agreed in writing with the County Planning Authority, and thereafter maintained as such.
13. In accordance with the requirements of planning permission Ref: SP08/0992 dated 19 November 2009 no new development shall be occupied until space has been laid out within the site in accordance with plan 1163/6N for vehicles to be parked and for the loading and unloading of number vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. The parking/turning area shall be used and retained exclusively for its designated purpose.
14. Before any of the operations which involve the movement of materials in bulk to or from the site are commenced, facilities shall be provided as must be approved by the County Planning Authority, in order that the operator can make all reasonable efforts to keep the public highway clean and prevent the creation of a dangerous surface on the public highway. The agreed measures shall thereafter be retained and used whenever the said operations are carried out.

15. The Method of Construction Statement submitted and approved by planning permission ref.SP100668 dated 20 December 2010 shall be implemented strictly in accordance with the approved details contained therein. Only the approved details shall be implemented during the construction period.
16. The sign erected at the site exit advising HGV drivers to turn right out of the site shall be permanently maintained. This will direct drivers to use the vehicle route via the A3044 rather than turning left onto Horton Road and travelling through Stanwell Moor village. This sign shall not prohibit local deliveries, defined as those within Stanwell Moor, from turning left.
17. There shall be no more than 8 inbound HGV movements accessing the site from Stanwell Moor per hour (90 inbound HGV movements in any one weekday/ 50 inbound HGV movements in any one Saturday). The site operator shall conduct surveys of the number of HGVs accessing the site daily from Stanwell Moor for a period of five consecutive days including one Saturday, to be undertaken at no greater than two within the first year of operation (with a minimum of six months between the two surveys) and subsequent reviews at intervals thereafter to be approved by the County Planning Authority following the submission of the second survey. The surveys shall be submitted to the County Planning Authority on completion.

### **Rights of Way**

18. The ditch as shown on Drawing No1163/6N shall be cleaned and regularly maintained so as to contain any run off from the bund and prevent water flowing on to public right of way 3 Staines.

### **Noise and Vibration**

19. With the exception of the operating of shredding and sorting machinery within the MRF building between the hours of 1700 to 0730, noise levels arising from the development shall not exceed the level of 55 LAeq (½ hour) measured at, or recalculated as at, a height of 1.2m and at least 3.5 m from the facade of the properties 121 to 149 Horton Road or 47 LAeq (½ hour) measured at, or recalculated as at, a height of 1.2m and at least 3.5 m from the facade of the noise sensitive locations at Pegasus Stables or the properties in Hither moor Road.
20. During the hours of 1700 to 0730 hours the level of noise arising from the night time operation of the MRF building and any associated activity, when recalculated as at a height of 4 m above ground level and 3.5 m from the facade of a residential property or other noise sensitive building that faces the site shall not exceed 33 LAeq, during any 5 minute period for the properties 121 to 149 Horton Road or 28 LAeq, during any 5 minute period at Pegasus Stables.
21. The level of noise arising from any operation, plant or machinery on the site in association with construction activities when measured at or recalculated as at a height of 1.2m above ground level and 3.6m from the facade of any residential property or other occupied building shall not exceed Leq = 70dB(A) when measured over any 60 minute period.

22. The quietest available items of plant and machinery shall be used on site. Where permanently sited equipment such as generators are necessary, they should be enclosed to reduce noise levels.

### **Bird Management Plan**

23. The Bird Hazard Management Plan received on 12 July 2010 submitted and approved by planning permission ref: SP10/0430 dated 3 August 2010 shall be implemented strictly in accordance with the approved details contained therein.

### **Lighting Scheme**

24. No flood lighting or any form of external lighting, including security lighting other than that explicitly approved by this permission, shall be installed on the site without the prior written approval of the County Planning Authority.

### **Ecology**

25. No removal or cutting of vegetation including trees and shrubs shall be carried out on site between the 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the County Planning Authority in advance of such works.

### **Landscaping**

26. The scheme of landscaping, planting and maintenance submitted and approved by planning permission ref: SP10/0278 dated 23 September 2010 shall be implemented strictly in accordance with the approved details contained therein. All landscaping and planting in accordance with the approved scheme shall be carried out within a period of 12 months from the date on which the development of the site commenced and shall be maintained for a period of 10 years, such maintenance to include the replacement of any trees and shrubs that may die or are severely damaged with trees or shrubs of a similar size and species in the next available planting season.

### **Japanese Knotweed**

27. The detailed method statement for the removal or eradication of Japanese Knotweed submitted and approved by planning permission ref: SP10/0390 dated 6 September 2010 shall be implemented strictly in accordance with the approved details contained therein. The development shall proceed in accordance with the approved method statement.

### **Flood Risk and Surface Water Drainage**

28. The scheme for the provision and management of a buffer zone alongside the ditch submitted and approved by planning permission ref: SP10/0278 dated 23 September 2010 shall be implemented strictly in accordance with the approved details contained therein. Thereafter the development shall be carried out in accordance with the approved scheme.
29. The scheme to dispose of foul and surface waters submitted and approved by planning permission ref: SP10/0734 dated 20 December 2010 shall be implemented strictly in accordance with the approved details contained therein.

## Details of Building

30. The details of materials to be used externally on new buildings submitted and approved by planning permission ref.SP10/0617 dated 29 September 2010 shall be carried out and completed in all respects strictly in accordance with the Details of Building Materials dated 28 June 2010. No omissions or variations shall take place.

## Dust

31. No operations subject of this permission shall commence within the MRF building until a revised Dust Action Plan has been submitted and approved by the County Planning Authority. The revised Dust Action Plan shall specify the measures and appropriate additional procedures, including control and mitigation measures and modifications to site operations, and the details and specifications for the installation of a powered ventilation system, and a filtration/settlement unit at ground level outside the building to manage dust emissions taking account of: actual and forecast meteorological conditions such as rainfall, wind direction and wind speed; and routine visual observations of dust emissions.
32. The Dust Action Plan Revision 2 dated 10 August 2010 submitted and approved by planning permission ref.SP10/0476 dated 29 September 2010 shall be implemented strictly in accordance with the approved details contained therein until such times as a revised Dust Action Plan pursuant to Condition 30 above has been submitted to and approved By the County Planning Authority.
33. The detail with regard to Conditions 30 and 31 above shall be implemented in accordance with details approved, or as may be subsequently amended and approved following periodic reviews of the Plan which are to be undertaken at no greater than two year intervals in the first six years and five year intervals thereafter for the duration of the use of the site.
34. Having regard to the Dust Action Plan approved or subsequently amended, no activity hereby permitted shall cause dust to be emitted from the soil processing area and stockpiling area so as to cause nuisance or loss of amenity at sensitive receptors. Should such emissions occur the relevant activity shall be suspended until it can be resumed without causing any unacceptable emissions.
35. Notwithstanding the requirements of Conditions 30 to 33 above, the operators shall employ appropriate control and mitigation measures in accordance with Section 6 `Proposed Mitigation Measures` provided within the Air Quality Assessment October 2008 and amending information dated 18 February 2009 and approved by planning permission ref.SP08/0992 dated 19 November 2009. The scheme shall be implemented in accordance with the recommendations of the report and complied with at all times.

## REASONS FOR IMPOSING CONDITIONS:

1. For the avoidance of doubt and in the interests of proper planning.



2. To safeguard the environment and local amenity in accordance with Surrey Waste Plan 2008 Policy DC3.
3. To safeguard the environment and local amenity in accordance with Surrey Waste Plan 2008 Policy DC3.
4. To safeguard the environment and local amenity and in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Surrey Waste Plan 2008 Policy DC3; and Policies CC2 and CC3 of the Spelthorne Borough Core Strategy and Policies DPD 2009.
5. To comply with the terms of the application and in the interests of the local environment and amenity, and to comply with Surrey Waste Plan 2008 Policy DC3.
6. To safeguard the environment and local amenity in accordance with Surrey Waste Plan 2008 Policy DC3.
7. To enable the County Planning Authority to exercise control over the development and to minimise its impact on the amenities of the local area, and local environment in accordance with Surrey Waste Plan 2008 Policy DC3
8. To reduce the impact on the visual amenities of the locality to comply with Surrey Waste Plan 2008 Policy CW6 and Policy DC3.
9. In the interests of local amenity and to accord with Surrey Waste Plan 2008 Policy DC3.
10. In the interests of local amenity and to accord with Surrey Waste Plan 2008 Policy DC3.
11. To enable the County Planning Authority to exercise control over the development and to minimise its impact on the amenities of the local area, and local environment in accordance with Surrey Waste Plan 2008 Policy DC3.
12. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies CC2 and CC3 of the Spelthorne Borough Core Strategy and Policies DPD 2009.
13. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies CC2 and CC3 of the Spelthorne Borough Core Strategy and Policies DPD 2009.
14. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies CC2 and CC3 of the Spelthorne Borough Core Strategy and Policies DPD 2009.
15. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies CC2 and CC3 of the Spelthorne Borough Core Strategy and Policies DPD 2009.

16. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policies CC2 and CC3 of the Spelthorne Borough Core Strategy and Policies DPD 2009.
17. In the interests of local amenity and to accord with Surrey Waste Plan 2008 Policy DC3.
18. To protect the route of the public footpaths and bridleways and the amenities of the users and comply with Planning Policy Guidance note 13 (PPG13).
19. To ensure the minimum disturbance and avoid nuisance to the locality to comply with Surrey Waste Plan 2008 Policy DC3.
20. To ensure the minimum disturbance and avoid nuisance to the locality to comply with Surrey Waste Plan 2008 Policy DC3.
21. To ensure the minimum disturbance and avoid nuisance to the locality to comply with Surrey Waste Plan 2008 Policy DC3.
22. To ensure the minimum disturbance and avoid nuisance to the locality to comply with Surrey Waste Plan 2008 Policy DC3.
23. To minimise the attractiveness of flat roofs and soil stockpiles to birds which could engaged the safe movement of aircraft.
24. To reduce the impact on visual amenities of the locality to comply with Surrey Waste Plan 2008 Policy DC3.
25. In the interests of amenity and wildlife conservation to comply with Surrey Waste Plan 2008 Policy DC2 and Spelthorne Borough Core Strategy and Policies DPD 2009 Policy EN8.
26. To ensure that the landscaping is maintained to provide for the long-term visual amenities of the area/ nature conservation in accordance with Surrey Waste Plan 2008 Policy DC3 and Spelthorne Borough Core Strategy and Policies DPD 2009 Policy EN8.
27. To prevent the spread of Japanese Knotweed (*Fallopia japonica*) which is an invasive plant, which the spread of is prohibited under the Wildlife and Countryside Act 1981. To prevent its spread as a result of the development there would be the risk of an offence being committed and avoidable harm to the environment occurring.
28. To prevent the encroachment of the development on watercourses which has a potentially severe impact on their ecological value.
29. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
30. In order to retain proper planning control over the development and in the interests of safeguarding the environment and local amenity in accordance with the Spelthorne Borough Core Strategy and Policies DPD 2009 Policy EN1.

31. In the interests of local amenity and to comply with Surrey Waste Plan 2008 Policy DC3.
32. In the interests of local amenity and to comply with Surrey Waste Plan 2008 Policy DC3
33. To allow a review of the effectiveness of control mechanisms and allow necessary action to be taken if the dust mitigation practices need to be modified in accordance with Surrey Waste Plan 2008 Policy DC3.
34. In the interests of local amenity and to comply with Surrey Waste Plan 2008 Policy DC3.
35. In the interests of local amenity and to comply with Surrey Waste Plan 2008 Policy DC3.

#### INFORMATIVES:

1. The Applicant's attention is drawn to the advice set out within the letter from BAA dated 15 December 2008 with regard to bird management plans.
2. It is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
3. The London Water Ring Main or a large diameter stored water tunnel is in the area and special precautions will be required to avoid any damage that may occur as a result of the proposed development. The applicant is advised to contact Developer Services, Contact Centre on 0845 850 2777 for further information.
4. The Applicant should note that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the applicant should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation. Failure to do so may result in fines and potentially a custodial sentence.
5. The Applicant's attention is drawn to the Rights of Way memo of 10 December 2008 and the accompanying plan.
6. The Applicant is reminded that the granting of planning permission does not authorise the obstruction or interference with a public right of way.
7. The Applicant's attention is drawn to the possible need for the concrete crusher to have a permit under the Environmental Permitting Regulations 2007.
8. Details of the highway requirements necessary for inclusion in any application seeking approval of reserved matters may be obtained from the Transportation Development Control Division of Surrey County Council.

9. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority.
10. The permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.
11. When a temporary access is approved or an access is to be closed as a condition of planning permission an agreement with, or licence issued by, the Highway Authority will require that the redundant dropped kerb be raised and any verge or footway crossing be reinstated to conform with the existing adjoining surfaces at the developers expense. (Note: It is preferable where possible to arrange for the adjacent highway to be included in the area edged red on the application when Circular 11/95 provides that conditions may be suitable to control this).
12. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
13. The applicant is advised that Public Footpath 3 and Public Bridleway 3. runs through the application site and it is an offence to obstruct or divert the route of a right of way unless carried out in complete accordance with appropriate legislation.
14. The applicant is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
15. An HGV shall mean any goods vehicle 3.5 tonnes Gross Vehicle Weight (gww) and above and shall include any skip vehicle, irrespective of weight.
16. The County Planning Authority confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.

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**CONTACT**

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Duncan Evans

**TEL. NO.**

0208 541 9094

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**BACKGROUND PAPERS**

The deposited application documents and plans, including those amending or clarifying the proposal, responses to consultations and representations received as referred to in the report and included in the application file and the following:

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**Government Guidance**

National Planning policy Framework 2012

National Planning Practice Guidance (NPPG) March 2012

Planning Policy Statement 10 – Planning for Sustainable Waste Management

**The Development Plan**

Surrey Waste Plan 2008

Spelthorne Borough Local Plan 2001

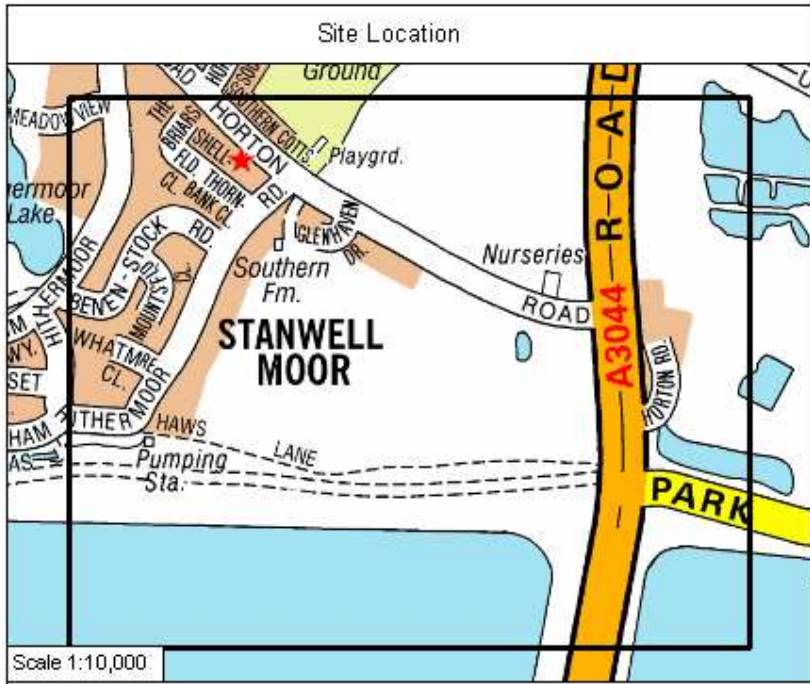
Spelthorne Borough Core Strategy and Policies DPD 2009

**Other Documents**

Planning application, the Committee Report to the 17 February 2010 Planning and Regulatory Committee meeting

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**Land at Oakleaf Farm, Horton Road, Stanwell Moor, Surrey, TW19 6AF**

The construction and use of a recycling, recovery and processing facility for construction and demolition waste on a site of approximately 9.4 hectares comprising: MRF building, site office and workshop; wheel wash and two weighbridges; lorry and car parking areas; storage areas; site entrance and access road; and landscaping bunds without compliance with Condition 3 and Condition 21 of planning permission ref: SP08/0992 dated 19 November 2009 to allow operations to be carried out within the MRF building 24 hours per day, 7 days per week.

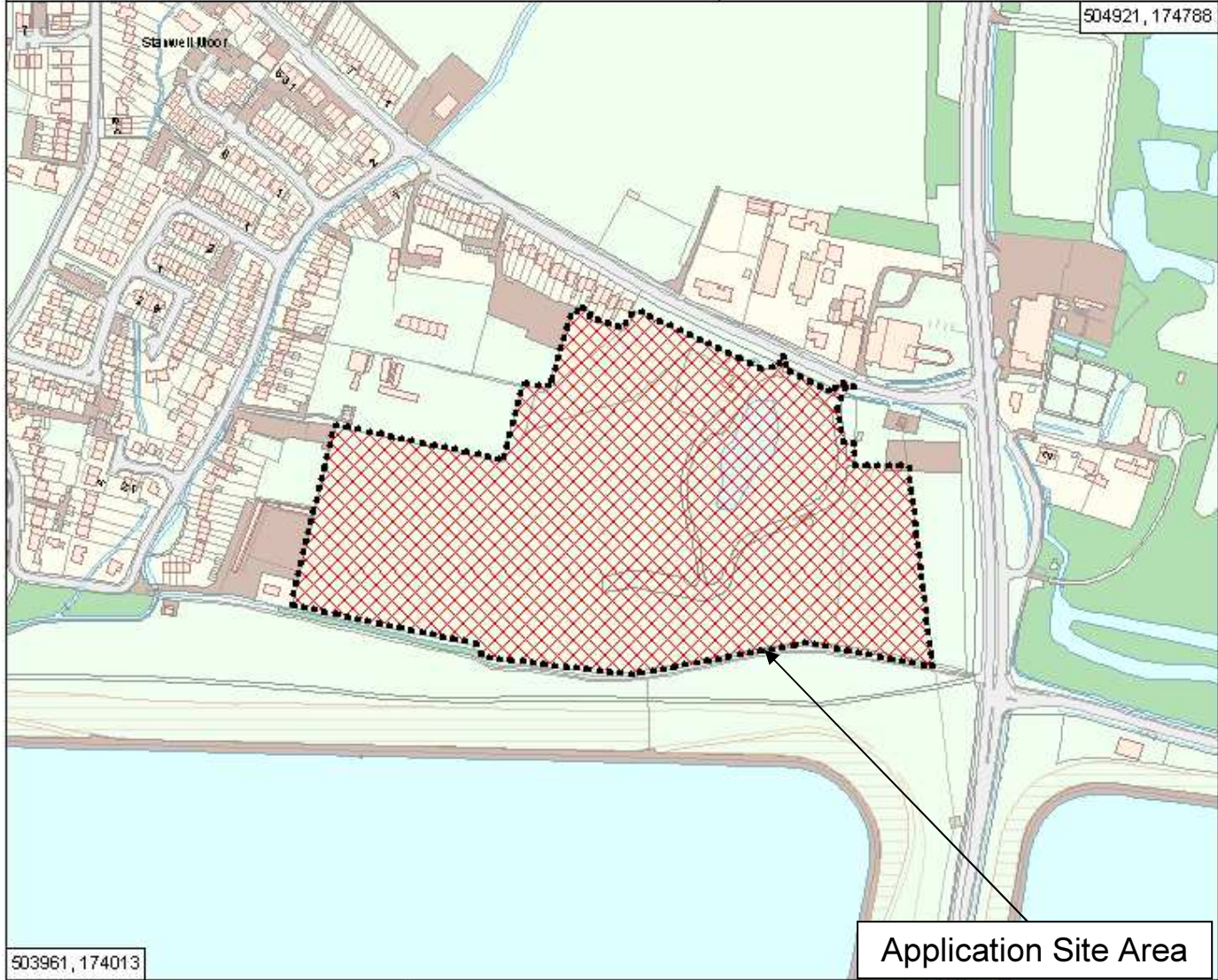
Application No(s): SP/14/01125/SCC

Electoral Division(s): Stanwell & Stanwell Moor

Scale 1:10,000

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This plan is for indicative purposes only



503961, 174013

**Application Site Area**



RefNo: SCC Ref 2014/0034  
Date printed: 02/10/2014

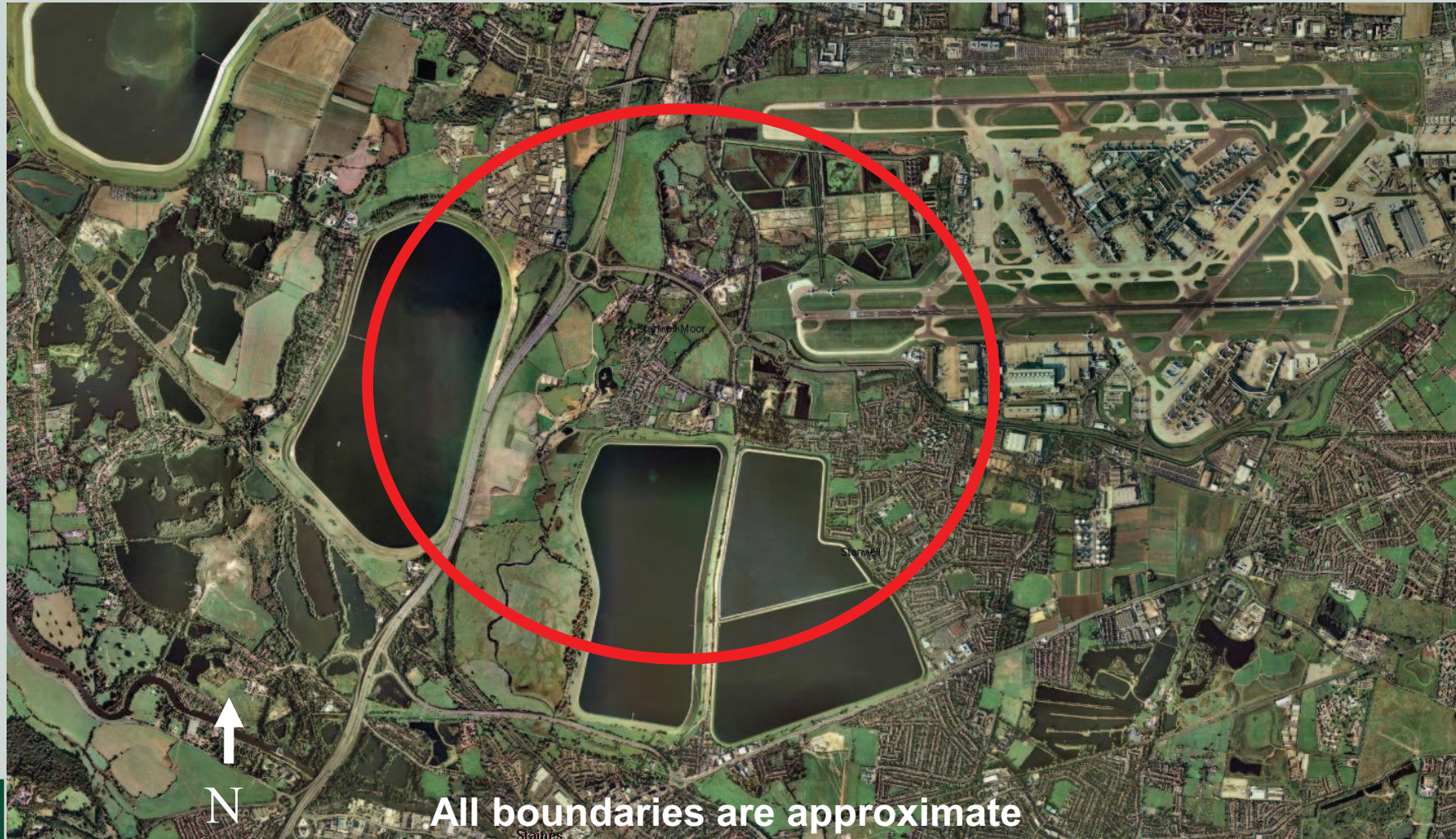


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## Aerial 1 : Land at Oakleaf Farm



## Aerial 2 : Oakleaf Farm



Fig 1 : Existing Site Entrance



Fig 2 : Existing site operations looking Northeast



Fig 3 : Existing site operations looking East



Fig 4 : Existing site operations looking Southwest towards reservoir

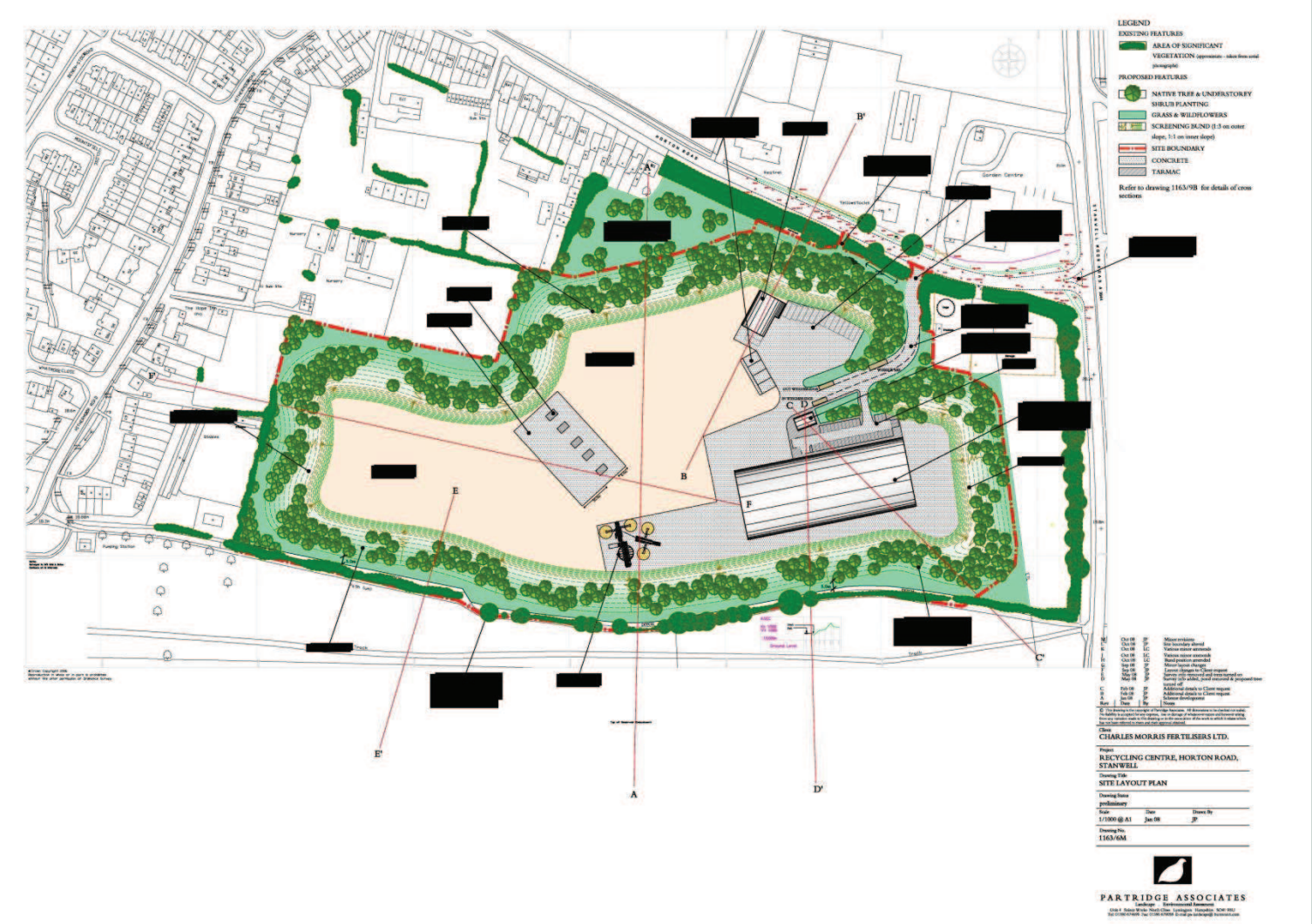


Fig 5 : Existing site operations looking Northwest





Fig 6 : Site Layout Plan





TO: PLANNING & REGULATORY COMMITTEE DATE: 15 October 2014  
 BY: PLANNING DEVELOPMENT CONTROL TEAM  
 MANAGER  
 DISTRICT(S) REIGATE & BANSTEAD BOROUGH ELECTORAL DIVISION(S):  
 COUNCIL Horley West  
 Mrs Hammond

PURPOSE: FOR INFORMATION GRID REF: 526017 144559

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TITLE: MINERALS AND WASTE APPLICATION RE13/00882  
 DECISION ON PLANNING APPEAL REF APP/B3600/A/13/2206251 AND  
 DECISION ON COSTS APPLICATION

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**Britaniacrest Recycling, 24-26 Reigate Road, Hookwood, Surrey, RH6 0HJ**

### Background

1. Members will recall that planning application ref RE13/00882 was considered at P&RC on 5 August 2013. The application proposed: 'Construction of a *'new waste reception building, on a site including an existing waste reception building to be demolished, and the laying of a new concrete hardstanding area with sealed drainage for the storage of wood.'* The Committee Report recommended that the application be refused for two reasons:
  - 1** *The applicant has failed to demonstrate factors which either alone or in combination demonstrate 'very special circumstances' which clearly outweigh the harm to the Green Belt by virtue of the inappropriate nature of the development, harm to openness and any other harm, and therefore the proposal does not accord with the National Planning Policy Framework 2012, Policy CW6 – Development in the Green Belt of the Surrey Waste Plan 2008 and Reigate and Banstead Local Plan 2005 Policy CO1 – Setting and Maintenance of the Green Belt; and*
  - 2** *The applicant has not adequately demonstrated that the residual cumulative transportation impact of the additional operational throughput proposed is not severe given that the application site is the main generator of Heavy Goods Vehicle traffic on this stretch of the A217 and that several junctions, including the A217 Woodhatch junction and the A23 Three Arch Road junction on the potential access routes to the site, are already operating at or near capacity, and therefore the proposal does not accord with the National Planning Policy Framework 2012.*
2. An Update Sheet was presented at the 5 August 2013 P&RC meeting highlighting that Reigate & Banstead Borough Council had objected to the proposal for reasons including: 'The impact on the ecology of the adjacent SNCI to the north and north west of the site. In the absence of appropriate studies the impact and mitigation are not quantified.' The Committee Report made clear that Officers considered there would be no adverse impact on the neighbouring Site of Nature Conservation Interest (SNCI), which relevant planning policies seek to protect. The Committee Report noted that the County Ecologist and Natural England raised no objections to the proposal, and Officers advised that the application complied with the development plan in respect of ecological impacts.

3. Members resolved that an additional refusal reason on ecology should be agreed. The printed Minutes for 5 August 2013 clarify that: "...It was pointed out that highways issues are strongly addressed in the proposed reasons for refusal but no ecological argument has been made although the site was almost surrounded by ancient woodland. There was no ecological baseline to determine the impact on the adjacent SNCI." Members also queried why there were no ecological reasons for refusal and suggested that points made in the Update Sheet could be adopted. The Committee resolved that a further reason for refusal be agreed, namely:

**3** *The applicant has failed to demonstrate that the development would not cause harm to the adjacent Site of Nature Conservation Interest (Crutchfield Copse) contrary to Surrey Waste Plan 2008 Policy DC3 – General Considerations and Reigate and Banstead Local Plan First Alteration 2005 (saved) Policy Pc 2C - Sites of Nature Conservation Interest.*

4. The application was then refused on 8 August 2013 for the agreed three reasons. The applicant appealed to the Planning Inspectorate in November 2013 and made a claim for costs against SCC on the basis that all three refusal reasons were unreasonable.

### **Appeal Decision Notice**

5. On 1 October 2014, SCC received confirmation that the appeal had been dismissed. In respect of the 'very special circumstances' case and the non-Green Belt alternative site assessment work, the Inspector noted that the applicant's weighbridge records indicated that about 90% of the waste managed by the site came from a 20 mile radius, though their 'Waste Arisings Report' showed that a significant amount derived from places outside Surrey, including the south London Boroughs. The Inspector stated that this therefore raised the question as to whether a building of the size proposed was justified on the appeal site and whether an alternative non-Green Belt location could be found nearer to these more distant waste sources. As the Alternative Site Assessment had not adequately considered this possibility, the Inspector was unable to conclude that there were not more proximate and better located non-Green Belt sites where the transfer of household waste could be undertaken in a more sustainable way.
6. In respect of the second refusal reason on transportation, the appellant had provided further information to the Planning Inspectorate, which was not submitted at the time the application was determined by P&RC. On the basis of this further information, the Inspector did not consider it likely that the proposal would give rise to a severe traffic impact or unacceptable harm to highway safety. In respect of the third refusal reason on ecology, the Inspector concluded that there was little evidence to support the allegation that there would be any significant effect on the locally designated site and it was noted that SCC's Ecology Officer and Natural England had raised no objections.

### **Partial Costs Award**

7. The Inspector concluded that SCC had not been unreasonable in respect of either the first or second refusal reason. In respect of the first refusal reason, the Inspector stated that SCC had clearly considered the issue of non-Green Belt sites and was not satisfied that these had been adequately explored. The Inspector confirmed that it was not for SCC to provide the evidence on alternative sites, that was the task of the applicant, and although the applicant did not agree with SCC's conclusions that did not make them unreasonable. In respect of the second refusal reason, the Inspector stated that the applicant's further information was not available to SCC when it made its decision, and therefore no unreasonable behaviour occurred in relation to traffic matters.
8. However, the Inspector did award costs against SCC on the basis that the Council had been unreasonable to include the third refusal reason. The Inspector concluded that:

*“The third reason for refusal, which related to ecology, was not adequately substantiated. The Planning Officer did not recommend refusal on this ground and there was no satisfactory explanation of why the Planning Committee decided otherwise...In the circumstances it is incumbent on the Council to explain why Members thought differently and on what basis they arrived at their decision to add the third reason for refusal...”*

## **RECOMMENDATION**

The recommendation is to note the report.

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## **BACKGROUND PAPERS**

Appeal decision and costs decision both dated 1 October 2014 in relation to planning appeal ref: APP/B3600/A/13/2206251.

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